



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

104

**CRR-2608-2023 (O&M)
Date of decision: 27.11.2025**

HARDEEP SINGH @ NIKKA

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. L.S. Sekhon, Advocate
for the petitioner.

Dr. (Ms.) Malvika Singh, DAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

The instant revision petition has been filed against the order dated 06.10.2023 and 09.10.2023 passed by the Additional Sessions Judge/Judge Special Court, Fatehabad vide which the application of the respondents for extension of time to submit final report under Section 173 Cr. P.C. read with Section 36-A of the NDPS Act was allowed and bail application of the petitioner for grant of default bail was dismissed

2. Learned Counsel appearing on behalf of the petitioner submits that the challan was required to be filed within a period of 180 days i.e. on or by 17.09.2023. The prosecution, however, moved an application for seeking extension of time on 12.09.2023. The reply to the prosecution's application

was filed on behalf of the petitioner through the Legal Aid Counsel. He contends that even though the aforesaid reply was filed on 20.09.2023, however, the extension had already been granted to the prosecution on 17.09.2023 itself i.e. before even filing of the reply. Hence, the extension of an opportunity to the petitioner to file his response/objection to the extension of time was an exercise in futility. It is further contended that on 28.09.2023, the wife of the petitioner had moved an application for engagement of new defence Counsel and for seeking default bail under Section 167 (2) Cr. P.C and Section 36-A of the NDPS Act. Since as on 28.09.2023, no valid order for extension of time had been passed by the trial Court, hence, the right accrued in favour of the petitioner to seek benefit of default bail. However, the said application was dismissed by the trial Court, hence, the present petition.

3. When the matter came up for preliminary hearing on 14.11.2023, this Court noticed the fact that the issue as regards grant of the default bail under Section 167 (2) of the Cr. P.C. in an event where an incomplete challan has been filed is pending consideration before the Supreme Court in SLP (Criminal) No. 8164-8166 of 2021. The petitioner was ordered to be released on interim bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate.

4. The matter has remained pending before this Court for a period of more than two years since then and the petitioner is already on an interim bail. It is informed by the Counsel for the petitioner that the aforesaid SLP has so far not been decided. There is also no allegation that

the petitioner has misused the concession of bail and/or has indulged in any other criminal activity.

5. Learned State Counsel contends that no further information has been supplied to her by the State or the Investigating Officer.

6. Such a submission by the State is unacceptable. It is for the State to defend its best interests and in case the State is not coming forth to apprise its Counsel about the Status qua a case, the same would not be sufficient to hold the Court proceedings at the pleasure of the prosecuting agency.

7. Having heard learned Counsel for the petitioner and taking into consideration that the petitioner has already been on interim bail for a period of more than two years and has not misused the said concession, keeping the instant petition pending for too long would serve no larger interest of justice. Hence, without commenting on the merits of the order granting extension of time, the interim order dated 14.11.2023 passed by this Court granting interim bail to the petitioner is thus made absolute.

8. The present petition is accordingly disposed of.

9. All the pending miscellaneous application(s), if any, are also disposed of.

NOVEMBER 27, 2025

Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No