



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRR-792-2026
Date of decision: 18.05.2026

GURSEWAK SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Yajur Sharma, Advocate for the petitioner.

Mr. Rahul Jindal, AAG Punjab.

RUPINDERJIT CHAHAL, J. (ORAL)

1. Instant revision has been filed for setting aside the impugned order dated 07.03.2026 passed by learned Judge, Special Court, Amritsar whereby the application filed by the prosecution for filing the challan was allowed and simultaneously the application filed by the petitioner for grant of default bail under Section 187(3) Bharatiya Nagarik Suraksha Sanhita, 2023 has been dismissed in case FIR No.177 dated 06.09.2025 under Sections 21-B, 21-C, 27-A, 29, 61, 85 of the NDPS Act registered at P.S. Chheharta, District Police Commissionerate Amritsar.

2. Learned counsel for the petitioner submitted that petitioner is in custody since 06.09.2025 and the period of presentation of challan is 180 days in present case which was to expire on 04.03.2026. He further submitted that the prosecution had filed an application seeking extension of time to file the challan on 27.02.2026 on the ground that the report of Chemical Examiner has not been received. The petitioner filed an application for default bail under Section 187(3) BNSS, 2023 on



07.03.2026 which was dismissed by the learned Trial Court on the ground that the application for extension of time to file the challan was already filed by the prosecution well before the expiry of statutory period of 180 days and extension of 30 days was also granted to the prosecution to file the challan.

3. Learned counsel for the petitioner argued that in the present FIR the prosecution was bound to present the challan before the expiry of statutory period of 180 days from the date of arrest of the petitioner. Since neither the prosecution had filed the challan within the statutory period nor the Court had extended the time for filing the same within statutory period of 180 days, a right had accrued in favour of the petitioner for default bail under Section 187(3) of BNSS and the learned Trial Court erred in dismissing the default bail application of the petitioner. Hence, he prays that the revision petition be allowed.

4. Learned State counsel submitted that the impugned order suffers no illegality. He argued that in the present case the prosecution had filed an application seeking extension of time to file the challan before the learned Trial Court on 27.02.2026 i.e. well before the expiry of period of 180 days and since the application was filed before the expiry of 180 days so the learned Trial Court has rightly granted extension of time to the prosecution to file challan and there is also no infirmity in the order passed by the learned Trial Court wherein the default bail filed by the petitioner has been dismissed. Hence, he prays that the present petition be dismissed.

5. Heard learned counsel for the parties and perused the paper book.

6. Admittedly, the prosecution in the present FIR had filed an application for seeking extension of time to file the challan before the



learned Trial Court on 27.02.2026, i.e. well before the expiry of the statutory period of 180 days. The learned Trial Court had granted extension of time to the prosecution to present challan in the present case vide order dated 07.03.2026 i.e. after expiry of 180 days. The moot point to be determined by this Court is as to whether the petitioner can be granted any benefit on account of such delay by the Court in deciding the application by the Court and whether right for default bail will still accrue to the petitioner. The answer to this is in the negative. The Hon'ble Division Bench of this High Court in ***CRR-54-2015 titled Varinder Singh Sandhu vs. State of Punjab decided on 18.11.2015***, has held that where an application was moved by the prosecution seeking extension of time to file the challan before the expiry of 180 days, and such extension was sought before the petitioner applied for bail, the petitioner is not entitled to the benefit of Section 167(3) Cr.P.C./Section 187(3) BNSS, 2023. The relevant paragraph is reproduced below:

"Be that as it may, in view of the fact that (i) the Additional Public Prosecutor was competent to apply for extension of time; (ii) such an application was moved before expiry of one hundred and eighty days' period; (iii) the extension was sought before the petitioner applied for his bail under Section [167](#)(2) Cr.P.C. and (iv) the fact that no charge-sheet could be filed for want of FSL report as it would have led to rejection of the charge-sheet itself, we are of the considered view that the petitioner (Varinder Sandhu) is not entitled to the benefit of Section [167](#)(2) Cr.P.C. His revision petition is accordingly dismissed. This order shall, however, cause no



prejudice to the petitioner's prayer for bail on merits, if he applies for the same."

7. In view of the legal position discussed above and applying the same to the facts of the present case, this Court is of the view that since the application seeking extension of time to file the challan by the prosecution was moved before the expiry of 180 days, as well as before the filing of the petitioner's application for default bail, the impugned order suffers from no illegality. In the present case, the prosecution agency, having filed the application for extension of time to file the challan before the expiry of 180 days cannot be said to be at fault. The learned Trial Court ought to have decided the said application before the expiry of 180 days; however, the same was not done. The petitioner cannot be permitted to take advantage of an irregularity committed by the Court. Moreover, in view of the binding precedent in ***Varinder Singh Sandhu vs. State of Punjab***, there is no scope for interference by this Court with the impugned order dated 07.03.2026.

8. Resultantly, the present petition being devoid of any merit is hereby dismissed.

9. However, it is made clear that this order shall have no prejudice to the petitioner prayer for bail on merits if they apply for the same.

(RUPINDERJIT CHAHAL)
JUDGE

18.05.2026
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No