



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

CRR-3143-2025 (O&M)

Prince

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CRM-M-71567-2025 (O&M)

Prince

..... Petitioner

VERSUS

State of Punjab

..... Respondent

RESERVED ON : **27.02.2026**
PRONOUNCED ON : **07.03.2026**

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Argued by : Mr. Rishu Mahajan, Advocate for the petitioner.

Mr. Eklavya Darshi, DAG Punjab.

SURYA PARTAP SINGH, J.

By virtue of order dated 14.11.2025, the learned Judge, Special Court, Amritsar has accorded permission to the Investigating Agency to present challan beyond the period of 180 days, and by virtue of order dated 19.11.2025 passed by the learned Judge, Special Court, Amritsar, the application for bail filed by the petitioner, while invoking the provisions of



Section 187(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023, has been dismissed.

2. Aggrieved of the abovementioned order dated 14.11.2025, the present petition seeking for quashing of abovesaid order under Section 528 of BNSS has been filed, and with regard to subsequent order dated 19.11.2025, the revision petition, detailed in the headnote, has been preferred. Since the issues involved in both the petitions are interconnected, both the petitions are being disposed of by single order.

3. In nut-shell, the facts emerging from record are that, that on 20.05.2025, the petitioner was arrested by the police with the allegations that he had committed an offence punishable under Sections 21/21-C/27-A of Narcotic Drugs and Psychotropic Substances Act, 1985, hereinafter being referred to as 'NDPS' only. As per mandate under the law, the challan for the commission of abovementioned offence was supposed to be filed by the Investigating Agency within a period of 180 days, i.e. latest by 16.11.2025. However, before expiry of abovementioned period, i.e. on 13.11.2025, the Investigating Agency, through Public Prosecutor, moved an application and prayed for extension of time meant for presentation of challan. Although the abovementioned application was opposed by the petitioner, yet, by virtue of order dated 14.11.2025, the same was allowed.

4. Aggrieved of the abovementioned order, the present Revision Petition has been preferred by the petitioner primarily on the ground that the benefit of extension of time has been accorded to the Investigating Agency without following the relevant law, and that the learned trial Court at the



time of according the abovementioned extension has not followed the mandatory provisions enshrined under the law.

5. Heard.

6. It has been contended by learned counsel for the petitioner that the failure of Investigating Agency to submit the challan within the fixed timeframe, i.e. 180 days from the date of arrest of petitioner, confirms an absolute right to the accused, i.e. the right to seek bail, and that the extension of time has been accorded in the present case on 14.11.2025, which has resulted into denial of abovementioned right to the accused by virtue of order dated 19.11.2025 and therefore, the extension of time for presentation of challan, accorded in the present case, is not the routine business of the Court.

7. It has been further contended by learned counsel for the petitioner that the benefit of extension of time for presentation of challan has been accorded to the prosecution not only in a very casual manner, but also in violation of the mandatory provisions of law, which prescribes for the report of Public Prosecutor. As per learned counsel for the petitioner, for want of compliance of Section 36A(4) of NDPS Act, the impugned orders are bad in law and deserves to be set-aside.

8. While referring to the principles of law laid down by the Hon'ble Supreme Court of India in the case of 'Sanjay Kumar Kedia @Sanjay Kedia V/s Intelligence Officer, Narcotic Control Bureau & Anr.' 2009(17) SCC 631, and by this Court in the cases of 'Bharat Bhushan V/s



State of Haryana' 2024(2) Law Herald 960, 'Ravinder @Bhola V/s State of Haryana' CRR-2100-2023, and 'Rajender V/s State of Haryana' CRR-507-2021, it has been contended by learned counsel for the petitioner that factual matrix of the present case is squarely covered by the abovementioned principles and therefore, there is need for indulgence and interference of this Court, in the impugned orders.

9. The abovementioned arguments have been controverted by the learned State Counsel. It has been contended by learned State Counsel that present case is a case, wherein well before the expiry of prescribed time period, the application seeking for extension of time for presentation of challan was moved by the Investigating Agency, as the application was filed on 13.11.2025 and the time period of 180 days, from the date of arrest of the petitioner, was going to expire on 16.11.2025.

10. According to learned State Counsel, a very cogent and valid reasons were mentioned in the abovementioned application, i.e. non-receipt of FSL report, and therefore, this argument has got no force that any error of judgment has been committed by the learned trial Court, while accepting the application for extension of time and rejecting the bail application filed by the petitioner under Section 187(2) of BNSS. While defending the impugned orders, it has been contended by learned State Counsel that the present petitions have been filed with *mala fide* intentions, which have no force and deserve dismissal.

11. The record has been perused carefully.



12. As far as the present petitions are concerned, at the very outset it is relevant to mention here that Section 36A(4) of NDPS Act provides as under:-

“In respect of persons accused of an offence punishable under section 19 or section 24 or section 27A or for offences involving commercial quantity the references in sub-section (2) of section 167 of the Code of Criminal Procedure, 1973 (2 of 1974) thereof to “ninety days”, where they occur, shall be construed as reference to “one hundred and eighty days”:

Provided that, if it is not possible to complete the investigation within the said period of one hundred and eighty days, the Special Court may extend the said period up to one year on the report of the Public Prosecutor indicating the progress of the investigation and the specific reasons for the detention of the accused beyond the said period of one hundred and eighty days.”

13. With regard to abovementioned legal proposition, the Hon’ble Supreme Court of India in the case of ‘Sanjay Kumar Kedia’ (*supra*) has observed that in a case, wherein the investigation is not complete in 180 days and application seeking for extension of time is moved by invoking Section 36A(4) of NDPS Act, before granting extension of time, notice must be issued to the accused, and that following conditions must be satisfied:-

- (i) that there is the report of the public prosecutor, indicating the progress of the investigation, and
- (ii) that there must be specific and compelling reasons for seeking the detention of the accused beyond the period of 180 days and
- (iii) that notice of the application has been given to the accused.



14. While dealing with similar issues, this Court in the case of ‘Bharat Bhushan’ (*supra*) has observed that *‘authority to seek extension of time is, thus, not vested solely in the investigating agency, and that Section 36A(4) of NDPS Act explicitly stipulates that the Court may grant an extension only upon receipt of a report from the Public Prosecutor’*. In the abovementioned case, the application seeking for extension of time was prepared by the Investigating Officer and forwarded by the Public Prosecutor, but no report was submitted by the Investigating Officer, indicating the progress of investigation and the specific reasons for detention of the accused beyond the period of 180 days. In view of abovementioned facts and circumstances, this Court, in the abovementioned case, observed that granting permission for extension of time was illegal. Similar views have been taken by this Court in the case of ‘Ravinder @Bhola’ (*supra*) and ‘Rajender’ (*supra*).

15. As far as the instant case is concerned, to arrive at any conclusion the observations recorded by the learned trial Court while according extension of time, to the prosecution, are very much relevant. The findings recorded by learned trial Court, while according extension of time makes it abundantly clear that the learned trial Court despite being aware of the fact that there was no report of Public Prosecutor, indicating the progress of the investigation, and also the specific reasons for detention of accused beyond the period of 180 days, has observed that the application under Section 36A(4) of NDPS Act need not to be accompanied by an extra report or in a particular format. According to learned trial Court, the objective of an



application under Section 36A(4) of NDPS Act is to require the Public Prosecutor to intimate the Court regarding the progress of investigation and the specific reasons for detention of accused beyond the period of 180 days. The learned trial Court has further observed that the validity of the application and the soundness of the reason is not to be assessed.

16. The abovementioned finding recorded by the learned trial Court generates an impression that merely on the submission of application duly forwarded by Public Prosecutor, but without a report as specified under Section 36A(4) of NDPS Act, the prosecution has got a right to seek extension of time. This is very strange to note that the learned trial Court has acted in a manner as if it has got no jurisdiction to look into the fact as to whether there existed a valid ground for the extension of time or not. On the other hand, the bare perusal of the provision comprised under Section 36A(4) of NDPS Act, and the principles of law laid down in the cases of ‘Sanjay Kumar Kedia’ (*supra*) and ‘Bharat Bhushan’ (*supra*), make it clear that the Public Prosecutor is supposed to report the progress of the investigation and the specific reasons for detention of accused beyond the period of 180 days. The words ‘specific reasons for detention of accused beyond the period of 180 days’ in itself make it abundantly clear that the reasons must be a convincing reason and to find out as to whether reasons mentioned in the report is convincing or not, it is only the learned trial Court, who can take a decision.

17. In the present case, the observations of the learned trial Court that validity of the application and the soundness of the reason cannot be



assessed, by the learned trial Court, are not in conformity with the settled law and therefore, it is hereby held that there is need for indulgence and interference of revisional jurisdiction of this Court in the impugned orders.

18. In addition to above, another glaring defect in the impugned orders is that contrary to the settled principles of law, as laid down by the Hon'ble Supreme Court of India in the case of 'Sanjay Kumar Kedia' (*supra*) and by this Court in the case of 'Bharat Bhushan' (*supra*), the report of Public Prosecutor is supposed to be there along with an application seeking for extension of time for presentation of challan. But in the case in hand, merely on the basis of grounds mentioned by the Investigating Officer in his application, and without the report of Public Prosecutor, the application has been allowed. The abovementioned procedure adopted by the learned trial Court, too, is contrary to the settled principles of law and needs interference of revisional jurisdiction of this Court in the impugned orders.

19. Taking into consideration the observations made in the foregoing paragraphs, it is hereby held that the impugned order dated 14.11.2025 passed by the learned Judge, Special Court, Amritsar, whereby extension of time for presentation of challan had been accorded to the Investigating Agency, and subsequent impugned order dated 19.11.2025 passed by the abovementioned Court, whereby the application for bail filed by the petitioner under Section 187(3) of the BNSS, has been dismissed, are illegal, perverse. Thus, it is hereby held that by accepting both the petitions, both the impugned orders deserve to be set aside.

20. Accordingly, both these petitions are hereby *allowed* and the impugned orders are hereby set aside. The learned trial Court is hereby directed to re-consider both the applications, i.e. application for extension of time and the application for bail, in the light of observations recorded in the foregoing paragraphs and pass fresh orders within a period of one week from the date of receipt of copy of this order.
21. Pending miscellaneous application(s), if any, also stand(s) disposed of, accordingly.
22. Photocopy of this order be placed on the file of connected case.

(SURYA PARTAP SINGH)

JUDGE

07.03.2026

Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes