

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-D-1710-2025

JUDGEMENT RESERVED ON	JUDGEMENT PRONOUNCED ON	OPERATIVE PART PRONOUNCED OR FULL	UPLOADED ON
02.04.2026	27.04.2026	FULL PRONOUNCED	27.04.2026

Avtar Singh alias Tari ...Appellant

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Mr. Bikramjit Singh Baath, Advocate
for the appellant.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Section
85	31.03.2025	Phillaur, Jalandhar	299,113 BNS 2023 and Sections 3, 1(1)(T,U) of SC/ST and 10/13, 16(1)(b), 17, 18, 18(b) of Unlawful Activities Prevention Act

Criminal Case number before the Sessions Court	CNR No.PBJL01-016909-2025
Date of Decision	27.10.2025

1. Aggrieved by the dismissal of the application seeking default bail, the accused has come up before this Court by filing the present appeal.
2. After arrest, the appellant had filed an application under Section 187(2) of BNSS 2023. The ground taken by him was that the challan was filed without sanction and as such it was incomplete challan and since the Court could not have taken cognizance of the offense. Consequently, it was not a compliance of filing of charge sheet within the time granted under Section 187(2) of BNSS 2023.

3. By order dated 27th October 2025, learned trial judge dismissed the said application by referring to the judgment of Honorable Supreme Court in ***Judgebir Singh @ Jasbir Singh Samra @ Jasbir and others vs. National Investigation Agency***. Feeling aggrieved the accused has come up before this Court.

4. Learned counsel for the appellant has referred to a judgment passed by Hon'ble Supreme Court in ***Fuleshwar Gope vs. Union of India and others, 2024 INSC 718***.

5. A perusal of the said judgment deals not with the filing of charge-sheet when not accompanied with sanction, but it is about the challenge to the sanction and it was concluded that thus sanction should be challenged within a limited time frame as concluded in paragraph 51 of the said judgment. There is no need to refer further, because it is not applicable.

6. It shall be appropriate to refer to the relevant portion of the judgment passed by Hon'ble Supreme Court in ***Judgebir Singh's case (Supra)*** which reads as follows:-

“40.3 Recently, in Judgebir Singh v. National Investigation Agency 2023 SCC OnLine SC 543, while examining the application of Rules 3 & 4 of 2008 Rules, this court observed:

"50.... We place emphasis on the expression "within 7 working days of the receipt of the evidence gathered by the investigating officer under the CrPC". This evidence which Rule 3 of the Rules, 2008 contemplates is the final report i.e., filed by the investigating agency under Section 173 of the CrPC. How can one expect the authority under sub section (2) of Section 45 to make its report containing the recommendations without looking into the chargesheet thoroughly containing the evidence gathered by the investigating officer. On the contrary, Rule 3 of the Rules, 2008 makes it explicitly clear that the authority under sub section (2) of Section 45 of the UAPA is obliged in law to apply its mind thoroughly to the evidence gathered by the investigating officer and thereafter, prepare its report containing the recommendations to the Central Government or the State government for the grant of sanction. The grant of sanction is not an idle formality. The grant of sanction should reflect proper application of mind.”

7. A reference to the above judgment clearly makes out that the challan even if filed without sanction is not a violation of Section 167(2) CrPC which is analogous to 187(2) BNSS.

8. Given above there is no illegality or perversity in the impugned order rejecting the default bail by the trial Court. Consequently, appeal is dismissed. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

(SUKHVINDER KAUR)
JUDGE

27.04.2026
Anju rani

Whether speaking/reasoned	YES
Whether reportable	NO