



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

(106)

CRR-2187-2026 (O&M)
Date of Decision: **11.09.2026**

JAGROOP SINGH AND ANOTHER

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

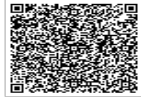
Present:- Mr. Jaskirat Singh Bhogal, Advocate
for the petitioner.

Mr. Jasjit Singh Rattu, DAG, Punjab.

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VIRINDER AGGARWAL, J. (Oral)

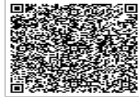
1. The present Criminal Revision Petition is directed against the order dated 24.08.2026 (Annexure P-1) passed by the Additional Sessions Judge, Amritsar, whereby the petitioner's application for statutory/default bail under Section 187(3) of the BNSS was dismissed as "infructuous" on the premise that extension of time for presentation of the challan had already been granted. The petitioner assails the said order on the ground that the premise was factually erroneous, as no extension order was in existence when the statutory right to default bail was invoked.



2. The petitioner was arrested on 21.02.2026 in FIR No.56 dated 21.02.2026, registered at Police Station Gharinda, Amritsar. The statutory period of 180 days expired on 20.08.2026 without presentation of the challan. On the same date, the prosecution moved an application under Section 36-A(4) of the NDPS Act seeking extension of time, which remained pending consideration.

3. The petitioner invoked the right to default bail on 22.08.2026. His application was, however, dismissed on the basis of the statement of ASI Rachhpal Singh No.734 that a 15-day extension had already been granted vide order dated 21.08.2026. The record, however, reveals that no such order was passed on 21.08.2026; rather, the prosecution's application dated 20.08.2026 was adjudicated only on 26.08.2026, when a 15-day extension was granted vide Annexure P-4. Thus, on 22.08.2026, as well as on 24.08.2026 when the impugned order was passed, no subsisting order extending the statutory period existed.

4. Learned counsel for the petitioner accordingly submits that the subsequent order dated 26.08.2026 could not retrospectively defeat the indefeasible right to default bail which had accrued upon expiry of the prescribed 180-day period and was duly invoked on 22.08.2026. Reliance is placed upon *Sonu Kumar Saroj vs. State of Punjab, CRR-501 of 2026, decided on 17.07.2026*. The extension order is further assailed for want of notice to the petitioner and non-compliance with Section 36-A(4) of the NDPS Act, relying upon *Gurwinder Singh vs. State of Punjab, CRR-1637 of 2026, decided on 21.08.2026*, and *Jasbir Kaur vs. State of Punjab,*



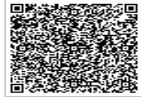
CRR-3299 of 2025, decided on 18.05.2026. Learned counsel further submits that, even assuming the extension dated 26.08.2026 to be valid, the extended period of 15 days expired on 04.09.2026 and no challan/final report has been presented till date. The petitioner, therefore, claims statutory/default bail and seeks setting aside of the orders dated 22.08.2026 (Annexure P-3) and 24.08.2026 (Annexure P-1), along with consequential release on default bail.

5. Notice of motion.

6. Upon advance notice, Mr. Jasjit Singh Rattu, DAG, accepts notice on behalf of the State of Punjab and vehemently opposes the present petition. It is submitted that no ground for interference is made out and that the impugned order suffers from neither any illegality nor any material infirmity. The State contends that the Trial Court has passed a comprehensive and reasoned order after due consideration of the factual matrix and the applicable legal principles. Dismissal of the present petition has accordingly been prayed for.

7. I have heard learned counsel for the parties at considerable length and, with their able assistance, have meticulously scrutinised the record and perused the material placed on file.

8. The record further reveals that the prosecution's application seeking extension of time was ultimately considered and allowed only vide order dated 26.08.2026, whereby an extension of 15 days was granted for presentation of the challan. Thus, on 22.08.2026, when the petitioner invoked his statutory right to default bail, as well as on 24.08.2026, when



the impugned order was passed, no order extending the statutory period was in existence. The impugned order, therefore, rests upon a demonstrably incorrect factual premise.

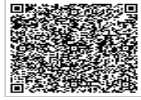
9. The default bail application was dismissed on the basis of the statement of ASI Rachhpal Singh No.734 that a 15-day extension had already been granted vide order dated 21.08.2026. The record, however, unequivocally discloses that no such order was passed on 21.08.2026; the prosecution's application for extension was moved only on 20.08.2026 and came to be decided on 26.08.2026. Consequently, when the statutory period of 180 days expired on 20.08.2026 and the petitioner invoked his right to default bail on 22.08.2026, no valid extension order was subsisting. Upon expiry of the prescribed period without presentation of the challan, and upon due invocation of the right, the petitioner acquired an indefeasible right to default bail, as recognised in *Sanjay Dutt vs. State through CBI, (1994) 5 SCC 410*. The subsequent order dated 26.08.2026 could not retrospectively obliterate or defeat the right so accrued, nor could an erroneous factual recital furnish a lawful basis to deny the same.

10. The impugned order dated 24.08.2026, having proceeded on the wholly erroneous assumption that the statutory period had already been extended vide order dated 21.08.2026, suffers from a material error going to the root of the matter. The petitioner's statutory entitlement was thus denied on a factually nonexistent premise, rendering the impugned order unsustainable in law.



11. Accordingly, the present Criminal Revision Petition is allowed. The impugned order dated 24.08.2026 (Annexure P-1), as also the order dated 22.08.2026 whereby the petitioner's application for statutory/default bail was rejected on the aforesaid erroneous premise, are hereby set aside. The petitioner is held entitled to statutory/default bail under Section 187(3) of the BNSS and is ordered to be released on default bail, subject to furnishing requisite bail and surety bonds to the satisfaction of the Chief Judicial Magistrate concerned/Illaq Magistrate/Duty Magistrate, as the case may be, and further subject to the following conditions:-

- i. The petitioner(s) shall not, directly or indirectly, make any inducement, threat, or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts before the Court or to the Investigating Agency.
- ii. The petitioner(s) shall not tamper with the prosecution evidence in any manner whatsoever, nor shall the petitioner(s), directly or indirectly, attempt to influence, intimidate, or contact any prosecution witness.
- iii. The petitioner(s) shall not leave the territorial limits of India without obtaining the prior permission of the learned Trial Court. In the event any of the petitioner(s) is in possession of a passport, the particulars thereof shall be furnished before the Investigating Officer as well as the learned Trial Court.
- iv. Before accepting the bail and surety bonds, the learned Illaq Magistrate/Duty Magistrate/C.J.M. concerned shall obtain from the



petitioner(s) the permanent residential address as well as the present correspondence address, duly supported by appropriate documentary proof. The Investigating Officer shall verify the correctness of the said addresses within 48 hours of the acceptance of the bail bonds and place a verification report on record. In the event any of the addresses is found to be false, fictitious, or incorrect, it shall be open to the prosecution to seek cancellation of the concession of bail in accordance with law.

- v. The petitioner(s) shall furnish before the learned Trial Court, either at the time of furnishing the bail bonds or within such period as may be specified by the Court, the Permanent Account Number (PAN), Aadhaar Number, particulars of all operative bank accounts, and a declaration disclosing details of immovable properties, if any. Any concealment of material particulars or furnishing of false information shall constitute a valid ground for seeking cancellation of the concession of bail in accordance with law.
- vi. The petitioner(s) shall intimate the Investigating Officer as well as the learned Trial Court, in writing, of any change in residential address or mobile number within seven days of such change.
- vii. The petitioner(s) shall not commit any offence of a similar nature during the pendency of the trial and shall remain present before the learned Trial Court on each and every date fixed, unless personal appearance is exempted in accordance with law. The petitioner(s) shall not absent from the proceedings without obtaining prior permission of the learned Trial Court. In the event of violation of any of the aforesaid conditions or unauthorized absence from the trial proceedings, it shall be open to the learned Trial Court to



proceed in accordance with law, including cancellation of the concession of bail and issuance of appropriate coercive process, including warrants of arrest.

12. In view of the final adjudication of the principal matter, all pending miscellaneous applications, if any, arising out of or ancillary to the present proceedings shall also stand disposed of accordingly. No separate or further orders are called for in respect of such applications, the same having been rendered infructuous in consequence of the present adjudication.

11.09.2026
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No