

SUPREME COURT OF INDIA

Budh Singh

Vs.

State of Punjab

(Dr.A.S. Anand, R.C. Lahoti and S.N. Variava JJ.)

03.04.2000

ORDER

DR. A.S. ANAND, C.J.I.

1. Leave granted.

2. The facts are not in dispute. On 20th January, 1999, on rejection of the application for anticipatory bail, in case FIR No. 43 of 4.5.1999 the appellant surrendered before the Court of the learned Chief Judicial Magistrate and was remanded to judicial custody. Thereafter, while still in judicial custody, by an order dated 23rd December, 1999, the matter was adjourned at the request of the investigating agency to 2nd January, 2000. The appellant was again remanded to judicial custody till 2nd January, 2000. It transpires that on 2.1.2000, on the request of the investigating agency for grant of police remand of the appellant, one day's police remand was granted by the Court and police remand was further extended by one day on 3rd January, 2000. On 4th January, 2000, the investigating officer made yet another application seeking further police remand of the appellant for a period of seven days. The learned Judicial Magistrate, First Class, Ludhiana declined the request of the police for further police remand of the appellant and remanded him to judicial custody till 18th January, 2000.

3. Aggrieved by the order dated 4.1.2000, State filed a revision before the learned Sessions Judge, Ludhiana, which was dismissed on 17.1.2000. The State, thereafter, filed a petition under Section 482 Cr.P.C. in the High Court and by the order impugned before us a learned Single Judge of the High Court directed the Judicial Magistrate, First Class Ludhiana to grant police remand of the appellant for a further period of seven days. This appeal, by special leave is directed against that order.

4. Heard learned Counsel for the parties.

5. In the face of facts, as noticed above, the order of the learned Judicial Magistrate, dated 4.1.2000, in our opinion, did not require any interference. The mandate of Section 167 Criminal Procedure Code, 1973 postulates that there cannot be any detention in police custody, after the expiry of the first 15 days, so far as an accused is concerned. That period of 15 days had in this case admittedly expired on 4.1.2000. The impugned order of the High Court violates the statutory provisions contained in Section 167 Cr.P.C. Since it authorises police remand for a period of seven days after the expiry of the first fifteen days period. In C.B.I., Special Investigation Cell - I, New Delhi v.

Anupam J. Kulkarni this Court considered the ambit and scope of Section 167 Cr.P.C. and held that there cannot be any detention in police custody after the expiry of the first 15 days even in a case where some more offences, either serious or other wise committed by an accused in the same transaction come to light at a later stage. The Bench, however clarified that the bar did not apply if the same arrested accused was involved in some other or different case arising out of a different transaction, in which event the period of remand needs to be considered in respect to each of such cases. The impugned order of the High Court under the circumstances, cannot be sustained. The direction to grant police remand for a period of seven days by the High Court is, accordingly, set aside. The appeal, therefore, succeeds and is allowed to the extent indicated above.

6. The appellant is stated to be in judicial custody. In case, he applies for bail, his application for bail shall be considered on merits and what we have stated hereinabove, shall not be construed as an expression of any opinion on the merits of the case.