

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

**CRM-M-30350 of 2014
Date of Decision:30.03.2015**

Gurlal Singh @ Lalli

.....Petitioner

VERSUS

State of Punjab and another

.....Rrespondent

CORAM:HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. D.S. Malwai, Advocate
for the petitioner.

Mr. P.S. Grewal, DAG, Punjab.

Mr. Narinder Singh, Advocate
for respondent No.2.

NAVITA SINGH J. (ORAL)

The petitioner was granted the relief under Section 167(2) of the Code of Criminal Procedure (in short 'Cr.P.C.') vide order dated 26.06.2014. However, on that day when the bail order was passed, the requisite bonds were not furnished by the petitioner. He made an application on the following day i.e. 27.06.2014, before the Magistrate on duty at Bathinda but his request was declined by the Magistrate with the observation that the challan had been presented on 26.06.2014 itself, though after the order regarding bail had been passed in favour of the petitioner. Because he had not furnished the bonds on the previous day, his request for accepting and attesting the bonds on 27.06.2014 was rejected.

Counsel for the respondent i.e. complainant, submits that previously application under Section 167(2) Cr.P.C. was moved on 25.06.2014 which was declined and in the application filed on the next day, the said fact was not disclosed by the petitioner and therefore, there was concealment.

At the time the previous application was filed, the Court held that period of 90 days had not elapsed by then. The application was probably based on miscalculation of the number of days. Since 90 days were completed on the next day i.e. 26.06.2014, another application was moved. It cannot therefore be said that there was any intentional concealment of fact.

Before the charge-sheet was presented by the prosecution in the Court, the relief of bail had already been granted to the petitioner. If for any reason, he was unable to furnish the bail bonds, it would not mean that the order granting bail to him would be set at naught. If he had furnished the bonds on 26.06.2014 itself, he would have been released.

The petitioner filed an application of bail on the very next day i.e. 27.06.2014 but bonds were not accepted by the Court. The explanation for declining to accept the bonds, given by the Magistrate in her order dated 27.06.2014 does not find favour with this Court and is not convincing. The right which already stood accrued to the petitioner, could not have been withdrawn.

The petition is allowed and the petitioner is permitted to furnish the requisite bonds in accordance with order dated 26.06.2014.

(NAVITA SINGH)
JUDGE

March 30, 2015
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