

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

CRM No.M-39020 of 2016 (O&M)
Date of Decision: November 11, 2016

Gurmeet Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.J.S.Sandhu, Advocate
for the petitioner.

Ms.Shivali, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of order dated 12.10.2016 passed by learned Addl. Sessions Judge, Bathinda in case FIR No.53 dated 07.04.2016 under Sections 22 of the NDPS Act, registered at Police Station Maur, District Bathinda.

Notice of motion was issued and learned State counsel appeared and contested the petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

The perusal of the impugned order dated 07.10.2016 shows that bail application was filed by Gurmeet Singh under Section 167(2) Cr.P.C. The trial Court accepted the application and it is ordered that since the challan has not been presented, therefore, the applicant is ordered to be released on bail on furnishing bail bonds in the sum of ₹1,00,000/- with one

surety in the like amount.

Vide order dated 12.10.2016, learned Addl. Sessions Judge, Bathinda, refused to accept the bail bonds by stating that challan has been presented by the Investigating Officer after passing the order of bail and the conditions laid down in Section 167(2) Cr.P.C. that the accused is ready to furnish the bail bonds, was not complied by the accused.

From perusal of the impugned order dated 12.10.2016, I find that once the bail has been granted by learned Addl. Sessions Judge, Bathinda, vide order dated 07.10.2016 under Section 167(2) Cr.P.C., he cannot refuse to accept the bail bonds later on without cancelling the earlier order. The order granting the bail has not been cancelled. The fact, whether the petitioner was ready to furnish the bail bonds, is to be seen before passing the order regarding bail under Section 167(2) Cr.P.C. by learned Addl. Sessions Judge and it cannot be seen later on, after passing of the order and, furnishing of bail bonds, on this ground cannot be refused.

In view of the above discussion, I find that the impugned order dated 12.10.2016 refusing to accept the bail bonds on the basis of the bail order passed by him, is illegal and amounts to miscarriage of justice. The order dated 12.10.2016 is not as per law and the same is set aside.

Therefore, finding merit in the present petition, the same is allowed. The trial Court is directed to accept the bail/surety bonds of the petitioner as per law.

November 11, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No