

223 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

HEMLATA
2018.09.04 17:52
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CRM-M-35525-2018 (O&M)

Date of decision:04.09.2018.

Vishal Bhalla

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Gagandeep Singh Chhina, Advocate
for the petitioner.

Mr. Rajat Bansal, AAG, Punjab.

Mr. Malkeet Singh, Advocate
for the complainant.

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition filed under Section 439 read with Section 167(2) Cr.P.C. is for grant of bail pending trial in case FIR No. 31 dated 04.05.2018 under Sections 420, 406, 120-B of IPC, registered at Police Station Doranga, Gurdaspur.

Learned counsel for the petitioner relies upon the judgment of Hon'ble the Supreme Court rendered in **2017 (3) R.C.R. (Criminal) 996** in **Rakesh Kumar Paul Vs. State of Assam** to contend that even if an application is filed after expiry of the Statutory period but before filing of the challan, then the petitioner is entitled to be released on bail under Section 167(2) Cr.P.C. despite the fact that before the decision of the application, the challan has been filed by the police. He further contended that the present petition was filed on 13.08.2018; after expiry of the statutory period. Although, the challan has been filed in this case on 18.08.2018, however, that would not defeat the right of the petitioner to get the bail on account of statutory default by the police.

In view of the above, but without commenting anything on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

04.09.2018
Hemlata

Whether speaking/reasoned	Yes / No
Whether reportable	Yes / No