

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-705-2018 (O&M)

Date of decision: 28.03.2018

Jaswinder Kaur @ Rani

...Petitioner

V/s.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. P.S. Sekon, Advocate for the petitioner.

Ms. Rajni Gupta, Sr. DAG, Punjab.

SUDIP AHLUWALIA, J. (Oral)

Seen the report sent up by the Ld. Additional District and Sessions Judge, Moga in compliance of the earlier order passed on 13.03.2018. It transpires therefrom that the bail application on behalf of the petitioner bearing no. BA537/2018 was filed at 10:05AM, of which the registration was completed by 10:09AM whereas registration of the challan was done between 11:32AM to 11:39AM, although the challan was checked by the Ahlmad and presented before the Ld. Judge on 10:51AM.

In the circumstances, the bail application was certainly filed in Court before presentation of challan, which has also been noted while recording submissions of Ld. Counsel for the petitioner in the earlier order. Clearly therefore, the indefeasible statutory rights of the petitioner to be released on bail for non-presentation of challan within 180 days from the date of her detention had actually accrued, and the Ld. Court below was therefore not justified in rejecting her prayer in the given circumstances.

In the aforesaid reasons the present application is allowed after setting aside the impugned order dated 06.02.2018.

The petitioner is now directed to be released on bail on appropriate conditions to the satisfaction of Ld. Trial Court.

March 28, 2018
Divyanshi

(SUDIP AHLUWALIA)
JUDGE

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