

117.

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

CRR-1754-2019

Date of decision:24.09.2019.

ANAND KUMAR

... Petitioner

versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

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

Mr. Sukhbeer Singh, AAG, Punjab.

HARI PAL VERMA, J.(Oral)

The present revision petition has been filed by the petitioner impugning the order dated 12.07.2019 passed by learned Additional Sessions Judge, Kapurthala, whereby his bail application filed under Section 167(2) of Cr.P.C. was dismissed.

Counsel for the petitioner has argued that the petitioner-accused filed an application for bail on 10.07.2019 and the same was listed before the court of learned Chief Judicial Magistrate, but the learned Magistrate vide order dated 10.07.2019, while making observation that the application has wrongly been registered, had directed the counsel for the petitioner to appear before the learned Judge, Special Court, Kapurthala on 11.07.2019 and in this manner, the petitioner was entitled for a bail, as the challan was not presented within 60 days. In support of his contention, he relies upon a judgment of Hon'ble Supreme Court in ***Uday Mohanlal Acharya Versus***

State of Maharashtra-2001(2) R.C.R. (Criminal) 452.

On the other hand, learned State counsel, who is assisted by ASI Tarlochan Singh, does not dispute the very fact that on the date on which the challan was presented, the bail application was already filed and was entertained by the trial Court.

Heard counsel for the parties.

Taking into consideration the provisions of Section 167(2) of Cr.P.C. and being admitted position that on the date on which the challan was presented, the petitioner had already filed bail application and the challan was presented after the expiry of 60 days which is apparent from the order dated 12.07.2019 passed by learned Sessions Judge, Kapurthala, this Court finds that the petitioner deserves to be admitted on bail.

In view of above and having recourse to ***Uday Mohanlal Acharya's case (supra)***, the present petition is allowed and the order dated 12.07.2019 passed by learned Additional Sessions Judge, Kapurthala, is set aside and the petitioner is admitted on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Kapurthala.

(HARI PAL VERMA)
JUDGE

24.09.2019
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.