

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

274

CRM-M-57264-2018 (O&M)
Date of Decision : 15.1.2019

Onkar Singh @ Bobby

....Petitioner

vs.

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Malhar Singh Dhami, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C for quashing of order dated 29.11.2018 whereby the entitlement of default bail under Section 167 (2) of Cr.P.C to the petitioner vide order dated 27.11.2018 has been ordered to be extinguished.

On the last date the following order was passed :-

“The petitioner assails order dated 29.11.2018 whereby the trial Court has held that the right of the petitioner to be released on bail in terms of provisions of Section 167(2) Cr.P.C. despite an order for grant of bail stood extinguished on account of the fact that the petitioner could not furnish bail bonds and in the meantime the prosecution had filed challan.

Learned counsel has submitted that the aforesaid order is against the settled proposition of law and places reliance upon Md. Rablbul Sk. vs. The State of Jharkhand, 2017(1) PCCR 1.

Notice of motion for 15.01.2019.”

Today learned DAG has gone through the judgment cited on the last date and very fairly accepted that merely because the petitioner could not furnish the bail bonds, right of the petitioner to be released on bail in terms of provisions of Section 167 (2) Cr.P.C could not be extinguished.

In the circumstances, the petition is allowed and the petitioner is directed to be released on bail to the satisfaction of Trial Court/Duty Magistrate.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

15.1.2019
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No