

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

CRM-M- 13929-2020 (O&M)
Date of Decision: June 17, 2020

Subhash

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Balraj Gujjar, Advocate
for the petitioner.

Ms. Dimple Jain, DAG, Haryana.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 13 dated 28.01.2020, under Sections 409, 420, 467, 468, 471, 120-B, 201 IPC registered at Police Station Alewa, District Jind, Haryana.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 05.03.2020. He would further contend that apart from the matter having been investigated, an incomplete challan has been filed, as the FSL report has not been annexed therewith. He prays for grant of bail to the petitioner while

relying upon the judgment rendered by a Division Bench of this Court in ***CRR-4659-2015*** titled as ***Ajit Singh alias Jeeta and another vs. State of Punjab*** decided on 30.11.2018 to further contend that as per Section 167 (2) Cr.P.C., in similar situation, an indefeasible right of bail has been occurred in favour of the petitioner. He also relies upon the judgment rendered by the Hon'ble Apex Court in ***Rakesh Kumar Paul vs. State of Assam, SLP (Crl.) No. 2009 of 2017*** decided on 16.08.2017 wherein it has been held that right of default bail under Section 167(2) Cr.P.C. can be agitated, claimed and sought by accused before any Court even on oral request as well.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that offences alleged against the petitioner are serious in nature, however, she does not dispute the fact that till now the CFSL report has not been filed and that the incomplete challan has been presented.

I have heard learned counsel for the parties.

In view of the restricted working of the Courts due to pandemic COVID-19 situation, the trial will take time to conclude and keeping in view the facts that the petitioner herein has been in custody since 05.03.2020 and the matter has been investigated and that an incomplete challan has been filed without the FSL report and that an indefeasible right of bail has been occurred in favour of the petitioner in view of judgment rendered by the Division Bench in ***CRR-4659-2015*** titled as ***Ajit Singh***

alias Jeeta and another (supra), no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on bail on his execution of adequate personal/surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

June 17, 2020
seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No