

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

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CRM-M-21877-2021(O&M)
Date of Decision : June 30, 2021

JASWANT SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Ranbir Singh Sekhon, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Through Video Conferencing

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.7 dated 5.2.2021 under Section 379-B, 34 IPC registered at Police Station Mamdot, District Ferozepur.

The learned counsel for the petitioner has submitted that even without going on the merits of the case, the petitioner was entitled for default bail under Section 167 Sub Section 2 of Cr.P.C. because the petitioner is in custody since 26.3.2021 and more than 90 days have elapsed and the challan has not been presented.

Mr. Sukhbeer Singh, learned AAG, Punjab has stated on instructions from SI Ajmer Singh that it is correct that the petitioner was taken into custody on 26.3.2021 and the punishment prescribed in the present case was minimum 5 years and upto 10 years and it is also correct

that 90 days have elapsed and the petitioner is still in custody. He submitted that it can not be disputed that the petitioner is entitled for the statutory relief of default bail and, therefore, has not opposed the grant of bail.

I have heard learned counsels for the parties.

Admittedly, the petitioner is in custody since 26.3.2021 and 90 days have expired and the challan has not been presented in the present case. Therefore, the petitioner shall be entitled to the statutory relief of default bail under Section 167 Sub Section 2 of Cr.P.C.

Consequently, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate.

June 30, 2021
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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No