

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

CRR-790-2021

Date of Decision : 25.11.2021

Avtar Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Tanvir S. Grewal, Advocate
for the Petitioner.

Mr. B.S. Sewak, Addl. Advocate General, Punjab.

SUDIP AHLUWALIA, J. (ORAL)

Ld. Counsel with reference to the observation noted in Para No.3 of the last order passed on 26th October, 2021 has tendered Report of the System Officer addressed to the Ld. Additional District & Sessions Judge-cum-Nodal Officer Computerization, Barnala, from which it transpires that the Petitioner's Application for Statutory Bail under Section 167(2) under CNR No.PBBBR010022612020 was filed at 10.46 AM on the relevant date after which it was finally registered at 12.50 PM while the Challan presented in Court under CNR No.PBBBR010022722020 was filed at 14.54 PM and registered at 16.04 PM.

2. This position clearly supports the Petitioner's claim that he had already sought to enforce his “indefeasible right” to Statutory Bail by filing his Application in the Ld. Court concerned before the Challan was presented.

3. In this view of the matter, the Petitioner is clearly entitled to the

benefit of Statutory/Default Bail for having remained in detention for a period above 180 days before the Final Report/Challan against him was presented in Court (**Uday Mohanlal Acharya vs. State of Maharashtra – Criminal Appeal No.394 of 2001 (Arising out of S.L.P. (Crl.) No.3312 of 2000).**

4. Consequently, the impugned order dated 4th September, 2020 passed by the Ld. Judge, Special Court, Barnala is set aside and the Petitioner is now permitted to be released on bail to the satisfaction of the Ld. Trial Court/Duty Magistrate concerned.

5. Accordingly, the Revision Petitions is disposed off.

November 25, 2021

Dpr

**(SUDIP AHLUWALIA)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No