

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

CRM-M-27899-2021 (O&M)

Date of decision: 04.08.2021

Rajesh @ Rinku

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Vivek Singla, Advocate for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

Petitioner Rajesh @ Rinku, an accused in FIR No.281/2019, for offences under Sections 420, 467, 468, 471, 406 and 506 IPC, registered with Police Station Samalkha, was granted bail by Judicial Magistrate Ist Class, Samalkha (for short 'JMIC') under Section 167 (2) Cr.P.C. on account of failure of the investigating agency to file challan within the prescribed period, vide order dated 22.06.2021. However, the requisite bonds were not furnished on behalf of the petitioner-accused on that very day, rather, on 25.06.2021, when an application was filed on behalf of petitioner/accused Rajesh @ Rinku for furnishing of requisite bail bonds, the application was dismissed for the reason that the investigating agency had filed the challan on 22.06.2021, after passing of

the order.

Feeling aggrieved, the petitioner has approached this Court, by way of filing the present petition, notice of which was given to the State.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioner has contended that concession under Section 167 (2) Cr.P.C., granted to the accused cannot be withdrawn later on, though, the challan may be filed by the police in the Court before furnishing of the requisite bonds on behalf of the accused. In support of his contention, he has referred to judgment **Aslam Babalal Desai Vs. State of Maharashtra** 1993(1) RCR (Criminal), 600 and judgment passed by a Co-ordinate Bench in CRR-1106-2020 decided on 28.09.2020, titled as **Nardeep Singh Vs. State of Punjab**.

Learned State counsel has conceded the legal position as submitted by learned counsel for the petitioner.

In view of the above, the impugned order passed by the learned JMIC, Samalkha cannot be sustained. The same is set aside by allowing the present petition. Resultantly, learned JMIC, Samalkha is directed to accept the requisite bonds in compliance with order dated 22.06.2021.

04.08.2021

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**(H.S. MADAAN)
JUDGE**

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