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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-1920-2022
Date of decision : 27.09.2022

Angrej Singh and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Gurmeet Singh Saini, Advocate for the petitioners.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

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VIKAS BAHL, J. (ORAL)

Challenge in the present Criminal Revision is to the order dated 20.06.2022 vide which second application for bail under Section 167(2) of Cr.P.C. has been dismissed.

A perusal of the impugned order dated 20.06.2022 would show that the sole ground raised by the petitioners while seeking the concession of bail under Section 167(2) of Cr.P.C. was that although, challan had been submitted on time but the histopathological report with regard to the cause of death of the deceased had not been filed alongwith the challan.

The Special Court-cum-Vacation Judge, Ferozepur, after considering the law laid down by the Hon'ble Supreme Court in ***Suresh Kumar Bhikam Chand Jain Vs. State of Maharashtra and another***,

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reported as ***2013(2) RCR 170***, and ***Narendra Kumar Amin Vs. CBI and others*** reported as ***2015(3) SCC 417*** as well as the case of ***Siya Ram Vs. State (UT) Chandigarh*** reported as ***2009(1) RCR (Criminal) 58***, had observed that since, in the present case, the challan had been filed within time thus, right of the accused to be released on default bail will cease.

Before this Court, it has not been disputed that FIR No.169 dated 25.12.2021 under Sections 302, 324, 323, 341, 34, IPC was registered at Police Station Kulgarhi, in which the present petitioners were arrayed as accused persons. It is not in dispute that the challan has been presented on 08.04.2022 and the same was done within the time as has been prescribed by law. The sole argument raised before the trial Court as well as before this Court is with respect to the non-submission of the histopathological report pertaining to the cause of death of the deceased along with said challan dated 08.04.2022. No law has been cited in order to show that in case, the said report does not accompany the report under Section 173 Cr.P.C., then the petitioner would be entitled to default bail. No perversity or illegality has been shown in the impugned order passed.

Keeping in view the abovesaid facts and circumstances, the present Criminal Revision being sans merit, is accordingly dismissed.

27.09.2022 **(VIKAS BAHL)**
Pawan **JUDGE**

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**

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