

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

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CRM-3954-2023 in/and [CRA-D-124-2023](#)

Date of decision : 17.10.2023

Manjeet Singh

... Applicant/appellant

Versus

State of Haryana

.. Respondent

**CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE LALIT BATRA**

Present:- Mr. Mitul Singh Rana, Advocate for the applicant/appellant.

Mr. Anant Kataria, DAG, Haryana.

Anupinder Singh Grewal, J. (Oral)

CRM-3954-2023

This is an application seeking condonation of delay of 06 days in preferring the appeal.

Heard. For the reasons stated in the application, the same is allowed and delay of 06 days in preferring the appeal is condoned.

[CRA-D-124-2023](#)

The appellant has challenged the order dated 14.12.2022 whereby his application for grant of default bail under Section 167(2) Cr.P.C. read with Section 43 D of the Unlawful Activities (Prevention) Act, 1967 (for short, 'the UAPA') has been dismissed.

2. Learned counsel for the appellant submits that the chargesheet in an FIR No.414 dated 20.06.2022, registered under Section 13 of the UAPA and Sections 120-B, 153-A IPC (Sections 10, 18 of UAPA and Section 3 of the Prevention of Defacement of Property Act, 1984 added later on) at Police Station Civil Lines, Karnal, had been filed without sanction order and therefore, it would be an incomplete chargesheet and the appellant is entitled to the benefit of default bail under Section 167 (2) Cr.P.C.

3. Heard.
4. The issue whether filing of a chargesheet without sanction would be considered as incomplete chargesheet to enable the accused to seek default bail under Section 167(2) Cr.P.C. is no longer *res integra*. It has been held by the Supreme Court in the case of **Judgebir Singh @ Jasbir Singh Samra @ Jasbir and others versus National Investigation Agency, 2023(3) RCR (Criminal) 334** that the grant of sanction has not been contemplated under Section 167 Cr.P.C. The relevant extract of the judgment is reproduced hereunder:-

“Thus, we answer Issue No. 1 holding that filing of a chargesheet is sufficient compliance with the provisions of [Section 167](#) of the CrPC and that an accused cannot claim any indefeasible right of being released on statutory/default bail under [Section 167\(2\)](#) of the CrPC on the ground that cognizance has not been taken before the expiry of the statutory time period to file the chargesheet. We once again, reiterate what this Court said in Suresh Kumar Bhikamchand Jain (*supra*) that grant of sanction is nowhere contemplated under [Section 167](#) of the CrPC.”

5. In view of the above, we do not find any manifest illegality in the order of the trial Court rejecting the application of the appellant seeking default bail under Section 167(2) Cr.P.C. and the appeal stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

(LALIT BATRA)
JUDGE

October 17, 2023

sonia gugnani

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