

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

CRM-M-35065-2023

Date of Decision: 19.09.2023

PARVESH KUMAR

... PETITIONERS

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Rana Gurtej Singh, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

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VIVEK PURI, J. (ORAL)

1. Petitioner is seeking to quash the order dated 10.07.2023, Annexure P-6 passed by the Court of learned Judicial Magistrate First Class, Jalandhar, whereby the application for furnishing bail bonds after the grant of bail vide order dated 07.07.2023 (Annexure P-4) under Section 167(2) of the Code of Criminal Procedure (for short 'Code') in the case bearing FIR No. 65 dated 22.04.2022 under Sections 304-B and 120-B IPC registered at Police Station Kartarpur, District Jalandhar has been dismissed.

2. Learned counsel for the petitioner contends that the petitioner has been arraigned as an accused in the aforesaid FIR. The benefit of default bail was granted to the petitioner vide order dated 07.07.2023. However, the detail of the amount for which the bail bonds were to be furnished had not been specified. The following two days were holidays being 2nd Saturday and Sunday. On the next effective working day i.e. 10.07.2023, the petitioner had moved an application for furnishing the bail

bonds but the request was declined by placing reliance upon Uday

Mohanlal Acharya vs. State of Maharashtra, 2001 (2) R.C.R.(Criminal) 452 as in the meanwhile, challan was presented.

3. Learned counsel for the petitioner has placed reliance upon M. Ravindran Vs. The Intelligence Officer, Directorate of Revenue Intelligence, 2021(2) SCC 485 to argue that the right to be released on bail cannot be defeated merely because the prosecution files the charge sheet prior to the furnishing of bail and fulfill the condition of bail of furnishing bonds etc. so long he furnishes the bail within the time stipulated by the Court. It has been further submitted that no time limit for furnishing bail bonds was specified by the learned trial Court at the time of granting benefit of default bail. The petitioner is ready and willing to furnish bail bonds to the satisfaction of the concerned Court within a period of 7 days. Furthermore, reliance has been placed upon Pipal Singh Vs. State of Punjab, 2023(1) Law Herald 738 (P&H). wherein the petitioner was granted permission to furnish bail bonds/surety bonds in pursuance of the default bail in identical condition. In the said case, following three days were holidays and the in the meanwhile, challan was presented.

4. Learned State counsel has placed on record the status report and has opposed the prayer only on the score that the petitioner was directed to furnish the bail bonds immediately after passing of the bail order.

5. It is significant to note that the default bail was granted in terms of the order dated 07.07.2023, Annexure P-4 but the amount of bail bonds/surety bonds which were required to be furnished had not been specified therein. Following two days were holidays and the application for furnishing bail bonds was moved on 10.07.2023. The reasons for non-furnishing of the bail bonds were beyond the control of the petitioner as the

following two days were holidays and also the amount for which the bail bonds/surety bonds were to be furnished had not been specified. As such, the ends of justice will meet, if the petitioner is granted opportunity to furnish the bail bonds in pursuance of the bail order dated 07.07.2023 within reasonable and sufficient time period. The case is stated to be pending in the Court of Sessions for 22.09.2023.

6. In these set of circumstances, the petition is allowed and the order dated 10.07.2023 passed by the Court of learned Judicial Magistrate First Class, Jalandhar, vide which the application for furnishing bail bonds was dismissed is set aside and the petitioner is permitted to furnish bail bonds to the satisfaction of the trial Court/Duty Magistrate within a period of 7 days.

19.09.2023

Janki

**(VIVEK PURI)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No