



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-61485-2024
DECIDED ON: 09.12.2024

PANCHU

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Abhimanyu Jangra, Advocate and
Mr. Pranshul Dhull, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 BNSS, 2023 for setting aside the order dated 26.11.2024 (Annexure P-7) passed by learned Additional Sessions Judge, Faridabad in FIR No.674 dated 24.08.2024, under Section 15 of NDPS Act registered at Police Station Sector 58, District Faridabad vide which application (Annexure P-6) moved by the petitioner for furnishing bail bonds/surety bonds has been dismissed.

Learned counsel for the petitioner submits that the application (Annexure P-6) has been dismissed, despite the fact that the trial Court has granted bail to the petitioner vide order dated 25.11.2024 (Annexure P-5).

Notice of motion.

Mr. Baljinder Singh Virk, Sr. DAG Haryana, accepts notice on behalf of respondent/State and submits that in fact the Investigating Agency has filed the challan on 25.11.2024 at around 12.30 PM, whereas the bail orders of the

petitioner was pronounced at around 12.00 PM and probably under that impression, when the petitioner failed to furnish the bail bonds and surety bonds on 25.11.2024, the same have not been accepted by the Court below on 26.11.2024.

This Court is sanguine of the fact that the quantity recovered is non-commercial in nature i.e., 18.886 of *poppy-husk* and the challan was not filed until the lapse of 60 days time period making the petitioner entitled for default bail on this ground.

It is also to be noticed that against the 60 days period granted for filing of final report, the petitioner's judicial custody has exceeded to 93 days after an extension of one month by the trial Court to the prosecution. Under these circumstances, the default bail granted by the trial Court to the petitioner considering the date of 25.11.2024 to be 93 days in judicial custody.

However, declining to accept the bail bonds and surety bonds of the petitioner vide order dated 26.11.2024 (Annexure P-7) on the ground that same should have been at the earliest and rather on the same date of getting the bail order, is of no help to the trial court in view of the Apex Court judgment rendered in *M.Ravindran v. Intelligence Officer, Directorate of Revenue Intelligence, (2021) 2 SCC 485* wherein it has been held that right of accused could not be defeated merely because the prosecution files the charge-sheet prior to furnishing of bail and fulfill conditions of bail etc., so long as he furnishes the bail bonds within the time stipulated by the Court.

In the light of above discussions made, the present petition is allowed and the order dated 26.11.2024 (Annexure P-7) is hereby set aside.

The learned Additional District & Sessions Judge, Faridabad is directed to accept the bail bonds and surety bonds of the petitioner, who shall be

released forth on bail, as has been directed by that Court in its order dated 25.11.2024 (Annexure P-5).

The petition in the aforesaid terms stands allowed.

09.12.2024

Meenu

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>