



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(122)

CRM-M-38964-2025 (O&M)

Date of Decision:-24.07.2025

MANDEEP

... Petitioner

Versus

STATE OF HARYANA

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present:- Mr. Monit Pal Singh, Advocate with
Mr. Abhimanyu Singh, Advocate
for the petitioner.

Mr. Paras Talwar, Sr. DAG, Haryana.

ALOK JAIN, J. (Oral)

1. Instant petition has been filed by the petitioner for quashing of impugned order dated 07.07.2025 (Annexure P-3), whereby release of the petitioner has been declined, despite being granted concession of default bail vide order dated 04.07.2025, on the ground that in the interregnum the prosecution has filed the challan on 05.07.2025.

2. Learned counsel for the petitioner submits that learned Trial Court fell in error in not accepting requisite bonds and in returning the finding that concession extending for default bail is extinguished is bad in the eyes of law and relies upon judgments passed by Hon'ble Apex Court in case titled as *M. Ravindran vs. The Intelligence Officer, Directorate of Revenue Intelligence 2021(2)SCC 485* and *Enforcement Directorate,*



Government of India vs. Kapil Wadhawan and Another, 2023(2) RCR (Criminal) 474.

3. The relevant extract of judicial pronouncement passed by Hon'ble Apex Court in case titled as **M. Ravindran (supra)** is reproduced as under:

18. xxxxxxxx

18.1 Once the accused files an application for bail under the Proviso to Section 167(2) he is deemed to have 'availed of or enforced his right to be released on default bail, accruing after expiry of the stipulated time limit for investigation. Thus, if the accused applies for bail under section 167(2), CrPC, 1973 read with Section 36A (4), NDPS Act upon expiry of 180 days or the extended period, as the case may be, the Court must release him on bail forthwith without any unnecessary delay after getting necessary information from the public prosecutor, as mentioned supra. Such prompt action will restrict the prosecution from frustrating the legislative mandate to release the accused on bail in case of default by the investigative agency.

18.2 The right to be released on default bail continues to remain enforceable if the accused has applied for such bail, notwithstanding pendency of the bail application; or subsequent filing of the chargesheet or a report seeking extension of time by the prosecution before the Court, or filing of the chargesheet during the interregnum when challenge to the rejection of the bail application is pending before a higher Court.

18.3 However, where the accused fails to apply for default bail when the right accrues to him, and subsequently a chargesheet, additional complaint or a report seeking extension of time is preferred before the Magistrate, the right to default bail would be extinguished The



Magistrate would be at liberty to take cognizance of the case or grant further time for completion of the investigation, as the case may be, though the accused may still be released on bail under other provisions of the Cr.P.C.

18.4 Notwithstanding the order of default bail passed by the Court, by virtue of Explanation I to Section 167(2), the actual release of the accused from custody is contingent on the directions passed by the competent Court granting bail. If the accused fails to furnish bail and/or comply with the terms and conditions of the bail order within the time stipulated by the Court, his continued detention in custody is valid.

4. Notice of motion.
5. On the asking of the Court, Mr. Paras Talwar, Sr. DAG, accepts notice on behalf of State of Haryana and does not deny the legal preposition in law.
6. In the light of above, the present petition is allowed and the impugned order dated 07.07.2025 (Annexure P-3) is set aside and the petitioner is granted liberty to furnish requisite bonds as directed by the learned Trial Court and also an undertaking that he shall not procrastinate the trial or violates any condition of the bail.
7. Since the main case has been decided, pending miscellaneous application(s), if any, stands also disposed of.

24.07.2025
Gaurav Sorot

(ALOK JAIN)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No