



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

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CRM-M-70584-2025 (O&M)
Date of Decision:-12.01.2026

RASHPAL SINGH**.....PETITIONER****VS.****STATE OF PUNJAB****.....RESPONDENT****CORAM:- HON'BLE MR. JUSTICE SUBHAS MEHLA**

Present:- Mr. Bhupinder Banga, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

SUBHAS MEHLA, J.(ORAL)

1. The instant petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashing of the order dated 27.11.2025 (Annexure P-3) passed in CRM No.1046 of 2025 having file no.6952/2025, CNR No.PBHO010094512025, FIR No. 91 dated 21.05.2025 registered under Sections 22, 29, 61 and 85 of NDPS Act at Police Station Sadar Hoshiarpur (Annexure P-1), whereby the learned trial Court has dismissed the application filed by the petitioner for extension of time to file the bail bonds.

2. Learned counsel for the petitioner contends that the petitioner was granted default bail vide order dated 20.11.2025 passed by Judge Special Court, Hoshiarpur on furnishing bail bonds in a sum of Rs.1,00,000/- with one surety in the like amount by 21.11.2025. Thereafter, petitioner had arranged a surety for furnishing bail bonds; however, the same were not accepted by the Court on the ground that the jamabandi annexed with the bail bonds reflected an outstanding bank loan. In this regard, an application seeking extension of time to furnish the bail bonds was filed, but the same was rejected by the learned Trial Court vide the impugned order dated



27.11.2025 (Annexure P-3). Learned counsel for the petitioner has placed reliance upon the judgment of this Court in ***Mohammad Javed vs. State of U.T., Chandigarh, 2024(2) RCR (Criminal) 354***, wherein it has been held that at the time of granting default bail, no impracticable, unreasonable or onerous time limit can be imposed for furnishing bail bonds. Learned counsel has further relied upon the judgment of this Court passed in ***CRR No. 656 of 2020***, titled as ***Ranjeet @ Angreji @ Bittu vs. State of Haryana***, decided on 13.08.2020, wherein it has been held that the right to default bail under Section 167(2) Cr.P.C. is an indefeasible right and cannot be defeated merely because the accused could not furnish bail bonds and surety on the same day.

3. On the other hand, learned State counsel has opposed the present petition by submitting that petitioner had failed to comply with the conditions imposed by learned trial Court within the stipulated time and, therefore, no illegality can be found in the impugned order.

4. Heard.

5. Keeping in view the order dated 20.11.2025 (Annexure P-2) passed by learned Judge Special Court, Hoshiarpur wherein it has been specifically observed that the petitioner was granted default bail by the trial Court on furnishing bail bonds in a sum of Rs.1,00,000/- with one surety in the like amount by 21.11.2025. The petitioner failed to furnish bail bonds within the stipulated time as the surety produced was found to be unacceptable. Furnishing of bail bonds to the satisfaction of the Court is a mandatory requirement and the Trial Court was well within its jurisdiction to decline acceptance of an unacceptable surety and to reject the prayer for extension of time. The judgments relied upon by the petitioner are



distinguishable from the facts of the present case, as in such cases, default bail was granted with a harsh condition to furnish bail bonds on the same day but in the present case at hand sufficient time was given to the accused to furnish bail bonds. Petitioner was not denied right of default bail however he was not released from custody on account of his failure to comply with the conditions imposed by the Court. No illegality, perversity or abuse of process is made out warranting interference under section 528 of the BNSS, 2023.

Hon'ble the Supreme Court in case titled as M. Ravindran v. Intelligence officer, Directorate of Revenue Intelligence, 2020(4) RCR (Criminal) 800; observed that if the accused fails to furnish bail bonds or comply with the terms and conditions of the bail order within the time stipulated by the court, then his continued detention would not be rendered illegal. Relevant extract is reproduced as under:

"... 18. Therefore, in conclusion:

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 CrPC.

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..”



5. In view of the above, the present petition seeking quashing of the impugned order dated 27.11.2025 (Annexure P-3) is dismissed.
6. Pending application(s), if any, also stands disposed of.

January 12, 2026
Kusum

(SUBHAS MEHLA)
JUDGE

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