

FIR No.260 dated 19.11.2022.

U/s. 436/506 of IPC.

P.S.. Ajnala.

Present: Ms.Priyanka Luther Advocate for applicant/accused Sukhdev Singh.

Sh. Amandeep Singh, Ld. APP for the State

Vide this order, I shall dispose of the bail application filed on behalf of applicant Sukhdev Singh at about 02:30 pm, for releasing him on bail as per the provisions of Section 167 (2) Cr.P.C in the above-noted FIR. The challan in the abovesaid case has not been presented by the police within stipulated period of 90 days. The accused had filed an application for bail under section 439 of Cr.P.C. and the same has been dismissed by the court of ld. Addl. Sessions Judge, Amritsar vide order dated 25.07.2023. Hence, the accused/applicant is entitled for bail under section 167(2) of Cr.P.C. As such, applicant may kindly be released on bail.

2. Report of Ahlmad was called and same has been perused. As per the report, accused/applicant namely Sukhdev Singh was arrested on 27.05.2023 and since 27.05.2023, applicant/accused namely Sukhdev Singh is in custody and today, is 102 days in custody and he checked from CIS System, Challan has not been presented by the police authorities till date against the accused and no other offence added against the accused person.

3. I have heard the rival submissions made by learned counsel for applicant as well as learned APP for the State and have perused the record carefully.

4. Report of Ahlmad was called for and same has been perused. As per the report, accused/applicant Sukhdev Singh was arrested on

27.05.2023 and since 27.05.2023, applicant/accused is in custody and till today report U/s.173 Cr.P.C has not been received against him.

Perusal of record shows that the offence for which, accused has been arrested. Hence, the investigating agency was under obligation to present the challan within 90 days from the date of production of accused/applicant in the court. As the stipulated period of 102 days has elapsed and no challan has been presented, therefore, accused person has earned a benefit to be released on bail as per the provisions of Section 167 (2) Cr.P.C. Accordingly, the application in hand is allowed. Accused/applicant is ordered to be released on bail, on his furnishing bail bonds in the sum of Rs.80,000/- with one surety in the like amount **up till 08-09-2023**. Bail bonds/ surety bonds furnished. Released order be issued. Papers be tagged with the main file. Now to come up on date already fixed i.e. 14.09.2023.

Date of order:
06.09.2023.
Pawankumar
Stenographer-III

(Manpreet Kaur), PCS,
Sub Divisional Judicial Magistrate,
Ajnala (UID Code PB0367)