

State

Vs

Darshan Singh BA-181-2021

FIR no.154 dated 26.10.2020

U/s 420, 467, 468, 471 IPC

Police Station Payal.

Present: Learned Additional Public Prosecutor for the State.
Sh. Lakhvir Singh , Advocate for applicant/ accused Darshan Singh.

Bail application under Section 167(2) Code of Criminal Procedure moved before the undersigned being the Illaqa Magistrate, on behalf of accused Darshan Singh son of Pritam Singh resident of village Rampur, Tehsil Payal, District Ludhiana. Report of Ahlmad called and as per his report challan is not presented in this case.

2. Heard. Record perused. In the present case, as per the record accused was arrested on 15.07.2021. From 19.07.2021 accused is on judicial remand. Period of 90 days has expired. Challan has not presented in this case. As per the bail application, the regular bail application of the accused is pending before the Hon'ble High Court. The present bail application is moved under section 167(2) of Cr.P.C. This Section provides the statutory and indefeasible right to the accused for the grant of bail if the investigation is not completed and challan is not presented within the requisite time. This is the special provision for the grant of the bail. So, in my view accused is entitled to bail under section 167(2) of Cr.P.C. as per the mandate of law as the accused has statutory right to be released on bail on account of non presentation of challan within stipulated period. Resultantly, the application at hand is allowed. The accused Darshan Singh is granted the bail under section 167(2) of the Cr.P.C.. Accused is ordered to be released on bail on his furnishing bail bonds in the sum of Rs.50,000/- with one surety in the like amount. Bail bonds not furnished.

Pronounced in open Court

Dated: 22.10.2021

Poonam

Stenographer Grd.-2

(Ekta Sahota) PCS

Sub Divisional Judicial Magistrate,

Payal. (UID No. PB0340)