



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

Sr. No.104

CRM-M-56376-2025

Date of Decision: 09.10.2025

Sunil Kumar Garg

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Ms. Tanu Bedi, Advocate, and
Mr. Naresh Jain, Advocate, for the petitioner.

Ms. Tanushree Gupta, Senior Deputy Advocate General, Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed challenging the orders dated 29.09.2025 and 30.09.2025, Annexure P-2 and P-6, respectively, passed by learned Chief Judicial Magistrate (CJM), Panchkula, in case FIR No.116 dated 07.03.2023, registered under Sections 409, 420, 467, 468, 471, read with Section 120-B IPC, at Police Station Sector 7, Panchkula, whereby despite grant of default bail to the petitioner under Section 187(3) BNSS, his bail bonds were not accepted and the default bail application was disposed of.

2. Learned counsel contends that the petitioner was granted default bail by learned CJM, Panchkula, vide order dated 29.09.2025, as the prosecution had failed to present the chargesheet/challan within ninety days from the date of first remand. She also contends that the order was passed in the afternoon of 29.09.2025 at around 4.00 p.m., directing the petitioner to furnish bail bonds in the sum of ₹5.5 lakh with two sureties of the like amount. Despite the petitioner being ready with the bail bonds dated 29.09.2025, which have been placed on record as Annexure P-4, the same could not be accepted as the Court had risen in the meanwhile. The same order records, "Requisite bonds on



behalf of the accused NOT furnished. In the above terms, default bail application stands disposed off accordingly”. Apparently, adequate time to furnish the bail bonds was not given to the petitioner, which frustrates his right to get the default bail. As told by the Court staff, the petitioner went to the Court of CJM on the very next day with bail bonds, but the same were not accepted as the challan/chargesheet had been presented by the investigating agency in the meanwhile. He also made an application, dated 30.09.2025, Annexure P-6, to learned District and Sessions Judge, Panchkula, on administrative side, bringing all these facts to his notice, and levelling other allegations concerning the matter. Thereupon, the impugned order, dated 30.09.2025, was passed ordering that on account of non-furnishing of bail bonds, the petitioner’s right to be released on default bail stands defeated.

3. Apparently, the order granting default bail was passed on 29.09.2025 and adequate time was required to be given to the petitioner to furnish bail bonds. Despite his being able to do so in the short span of time afforded, as contended by learned counsel, the bonds were not accepted leading to passing of the impugned orders. Strangely, the order granting default bail, though uploaded at 5.35 p.m., itself records the fact of non-furnishing the requisite bail bonds with sureties by the petitioner, and disposes of the application, which was finally dismissed vide separate order passed on the next day, 30.09.2025. This amounts to defeating the petitioner’s vested right to get default bail on account of non-filing of the challan/chargesheet within the period stipulated under Section 187(3) BNSS.

4. In view thereof, the petition is allowed. The impugned orders, dated 29.09.2025 and 30.09.2025, are set aside to the extent the petitioner’s default bail has been cancelled. He is ordered to be released on bail on furnishing adequate bail bonds with sureties before the trial Court/Duty Magistrate concerned.



5. In case the allegations levelled in the petitioner's application, dated 30.09.2025, are true, it is a serious matter. Accordingly, learned District and Sessions Judge, Panchkula, is requested to look into the allegations and take action, if any required, in accordance with law. The outcome will be brought to notice of this Court.

(TRIBHUVAN DAHIYA)
JUDGE

09.10.2025
Maninder

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No