

CRM-M-1722-2016 (O&M)

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

**CRM-M-1722-2016 (O&M).
Decided on: January 18, 2016.**

Smt.Shyamwati

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

*** * ***

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.Rajiv Sharma, Advocate,
for the petitioner.**

M.M.S. BEDI, J (ORAL).

This is a petition under Section 439 (2) Cr.P.C. for the cancellation of bail granted to respondent Nos.3 & 4 by the Judicial Magistrate First Class, Mewat, vide order dated 4.12.2015, in a private complaint filed by the petitioner against Pratap Singh and others including respondent Nos.3 & 4.

Counsel for the petitioner has contended that on 22.11.2015, the Additional Sessions Judge, Mewat had granted the concession of pre-arrest bail to the respondent Nos.3 & 4, directing that in case the respondent failed to appear before the lower Court within a period of 7 days from that date, the application will be deemed to have been dismissed.

Order dated 27.11.2015 required respondent Nos.3 & 4, to appear before the lower Court within 7 days. From

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27.11.2015, if the date 27.11.2015, is excluded, respondent Nos.3 & 4, rightly appeared before the lower Court within 7 days i.e. on 4.12.2015 and sought concession of regular bail.

Counsel for the petitioner has vehemently urged that the specific words “**within 7 days from today**” would mean to include 27.11.2015, in 7 days.

I have carefully considered the contention of the counsel for the petitioner and appreciated the same in context to the provisions of The Limitation Act in filing appeal and revision etc. and the various similar provisions, and I am of the opinion that for calculating the limitation, the day on which order is passed or the time consumed in supplying certified copy of the order, is generally excluded. While calculating the limitation in the present case, appearance of private respondents on 4.12.2015 before the Magistrate, appears to be within 7 days if calculated from 27.11.2015.

No ground is made out for cancellation of bail granted to respondent Nos.3 & 4.

The petition is dismissed.

January 18, 2016.
rka

(M.M.S. BEDI)
JUDGE