

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-5513 of 2017 (O&M)

Date of Decision: 02.03.2017

Jyoti

--Petitioner

Versus

Shiv Avtar

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. B.S. Jaswal, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

The present petitioner is an accused in case FIR No.86 dated 2.2.2016 under sections 420, 467, 468, 471, 120-B I.P.C., registered at Police Station, City Gurgaon. An application for bail submitted by the petitioner under Section 167(2) Cr.P.C was allowed by the learned C.J.M., Gurugram vide order dated 29.11.2016 on the ground that the challan had not been presented within a period of 60 days.

A revision having been preferred by the complainant Shiv Avtar, the same has been accepted vide order dated 31.1.2017, passed by the Additional Sessions Judge, Gurugram and the order granting bail under Section 167(2) Cr.P.C has been set aside. Furthermore, the present petitioner/accused was directed to surrender before the Trial Court on 9.2.2017.

The instant petition has been filed under Section 482 Cr.P.C assailing the order dated 31.1.2017, passed by the learned Additional Sessions Judge, Gurugram (Annexure P-5).

Learned counsel appearing for the petitioner has very fairly stated that in the light of the dictum laid down by the Hon'ble Supreme

Court in *Bhupinder Singh & another Vs. Jarnail Singh & another, 2006*

(3) *R.C.R (Criminal), 677* he cannot possibly make submissions to differ with the view that as regards an offence punishable under Section 467 I.P.C the period provided for putting up the challan is 90 days and not 60 days.

Counsel accordingly prays for withdrawal of the petition but seeks indulgence of this Court for extension of time for a period of two weeks to enable the petitioner/accused to surrender before the Trial Court. He further prays that if thereafter an application is filed under Section 439 Cr.P.C seeking benefit of regular bail, directions be issued for such application to be decided forthwith.

As per statement made by the counsel, instant petition stands dismissed as withdrawn.

Petitioner is directed to surrender before the Trial Court on 15.3.2017. Suffice it to observe that if thereafter the petitioner moves an application seeking regular bail, the competent court would make an endeavor to expedite disposal of the same.

Petition is disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

02.03.2017

lucky

Whether speaking/reasoned:	Yes
Whether Reportable:	Yes