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IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on:- 26th July, 2018

+ CRL.M.C. 3395/2018

UMESH PARKASH GHAI

..... Petitioner

Through: Mr. R.K. Bali and Mr. G.S.
Randhawa, Advocate

versus

THE STATE

..... Respondent

Through: Mr. Ashish Dutta, APP with Insp.
Satyavir Janaula, PS Bindapur, Dwarka

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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26.07.2018

1. The present petition is directed against an order dated 21.06.2018 of the court of Sessions in criminal revision no.241/2018, which had been taken out by the petitioner, against order dated 04.06.2018 of the Metropolitan Magistrate declining to release him on bail under Section 167(2) of the Code of Criminal Procedure, 1973 in case FIR no.169/2018 under Section 302, 201, IPC.

2. The petitioner is accused of having committed the offence of murder of his wife Meenakshi. It appears the FIR was registered on 01.03.2018 in the wake of inquiries made

after logging of daily diary entry no.32A at 11.55 hours at the instance of the petitioner himself. It is stated that he had himself reported the crime to the police indicating that the dead body of his wife was lying in the residential flat occupied by him and pursuant to the said information, dead body was recovered, the post-mortem examination carried out later confirming the death to be homicidal.

3. The petitioner was arrested on 01.03.2018 itself. He was produced in the court of the Metropolitan Magistrate on 02.03.2018 when he was remanded to judicial custody. He has continued to be in judicial custody ever since. The report under Section 173 of the Code of Criminal Procedure, 1973 was submitted on 31.05.2018 seeking his prosecution for the aforementioned offence. The contention of the petitioner is that 31st May, 2018 was the 91st day after his surrender and, therefore, he had become entitled to be released on bail. He places reliance on *L.R. Chawla vs. Murari and Ors.*, 1976 Crl. L.J. 212 and *Chaganti Satyanarayana and Ors. vs. State of Andhra Pradesh*, AIR 1986 SC 2130.

4. The learned Additional Public Prosecutor on the other hand placed reliance on *State of Madhya Pradesh vs. Rustam and Ors.*, 1995 Supp (3) SCC 221 and *Ravi Prakash Singh alias Arvind Singh vs. State of Bihar*, (2015) 8 SCC 340 to argue that the impugned orders are based on correct appreciation of facts and law.

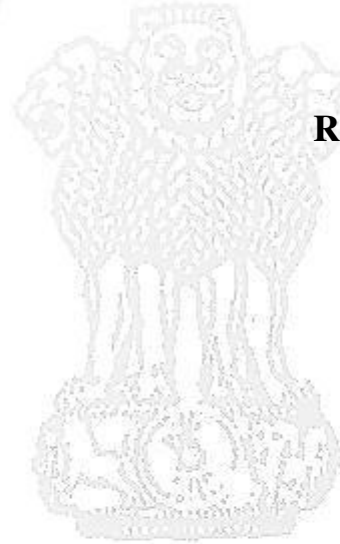
5. It is trite that the day on which the Magistrate remanded the petitioner to judicial custody has to be excluded from the calculation. It is conceded that if it were to be excluded, the charge-sheet had been filed before the Metropolitan Magistrate on the 90th day.

6. In above view, the reasons set out in the impugned orders cannot be faulted. The petition is devoid of merits and is dismissed.

R.K.GAUBA, J

JULY 26, 2018

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