

In the High Court of Punjab and Haryana at Chandigarh

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**CRM-M-36666-2020 (O & M)
Date of Decision: December 16, 2020**

MUSTAFA

....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Jangvir Singh Hooda, Advocate for the petitioner.

ANUPINDER SINGH GREWAL, J (ORAL)

Heard through video conferencing.

The petitioner has challenged the judgment of the lower Appellate Court whereby the order of the trial Court granting him default bail under Section 167 (2) Cr.P.C. had been set aside.

Learned counsel for the petitioner contends that initially the FIR had been registered under Sections 419 and 420 IPC and the other offences were added later on and, therefore, the investigation was to be completed within a period of 60 days. The challan has to be filed within 60 days and as the same was filed after 60 days had elapsed, the petitioner has been rightly granted bail in terms of Section 167 (2) Cr.P.C. by the trial Court.

Heard.

It is manifest that initially the FIR was registered under Sections 419 and 420 IPC but within a few days offences under other sections including Section 467 IPC was added. These sections were added when the remand of the petitioner was sought immediately after the arrest of the petitioner. The offence under Section 467 IPC is punishable with imprisonment

for life. It is apparent from perusal of Section 167 (2) Cr.P.C. that for offences which are punishable with imprisonment for life or imprisonment for not less than 10 years, the period for presentation of challan is 90 days. In the instant case, admittedly the challan was filed within a period of 90 days. Reference can be made to the judgment of the Supreme Court in the case of **Rakesh Kumar Paul versus State of Assam, 2017 (3) RCR (Criminal) 996**, wherein it was held that if an offence is punishable with imprisonment for a period of 10 years or for life imprisonment, the period for completing the investigation is 90 days.

Consequently, I do not find any merit in the instant petition, which stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

December 16, 2020
A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No