

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

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**CRM-M-11236-2021 (O&M)
Decided on : 12.03.2021**

Pooja

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Kamal Deep Sehra, Advocate
for the petitioner(s).

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C., for quashing of orders dated 04.01.2021, 08.01.2021 and 09.02.2021, passed by the Courts below, Sonapat, vide which, the application of petitioner under Section 167(2) Cr.P.C. for grant of default bail in case FIR No.757, dated 09.11.2020, under Sections 302, 452, 201, 120-B IPC, registered at Police Station City Sonapat, was dismissed.

Learned counsel for the petitioner contends that FIR No. 301, dated 24.09.2020 for offence under Section 302 IPC was registered at Police Station Singhwali Ahir, District Baghpat, U.P. at the instance of the complainant Ram Phal Singh. However, during investigation, it came to light that the crime in question had been committed within the jurisdiction of District Sonapat. Resultantly, the U.P. Police transferred the case to Police Station City Sonapat, where, a fresh case FIR No. 757, dated 09.11.2020, under Sections 302, 452, 201, 120-B IPC was registered. On registration of FIR by the Sonapat police, the petitioner was taken on production warrants from the U.P. Police and thereafter arrested by the police of Sonapat on 24.11.2020.

Learned counsel for the petitioner has submitted that the petitioner thus was entitled to default bail under Section 167(2) Cr.P.C., as her arrest was made by the U.P. police on 04.10.2020 in case FIR No. 301, dated 24.09.2020, which was registered at Police Station Singhwali Ahir, District Bagphat, U.P., and her custody should have been counted to extend the concession of default bail, as she had completed 90 days in custody on 02.01.2021. Learned counsel has further submitted that Courts below erred in passing the impugned orders, as admittedly, the charge-sheet had been filed on 02.01.2021 after expiry of 90 days. In support of his contention, learned counsel for the petitioner has placed reliance upon the judgment of the Apex court rendered in **Vipul Shital Prasad Agarwal Vs. State of Gujarat and another, 2013(1) RCR (Criminal) 5.**

I have heard learned counsel for the petitioner and perused the material on record.

It goes without saying that the intent of the legislature behind the enactment of Section 167 Cr.P.C. was that there should not be any prolonged and abnormal delay in the conclusion of an investigation and the investigation should be completed and charge-sheet presented within the stipulated period of 60 days or 90 days, as the case may be.

Coming to the case in hand, no doubt, the petitioner was arrested by the U.P. Police on 04.10.2020, however, this Court cannot lose sight of the fact that case FIR No. 757, under Sections 302, 452, 201, 120-B IPC, was registered by the Sonapat police only on 09.11.2020. Hence, the period of 90 days would commence from 24th November, 2020, when the petitioner was arrested by the Sonapat police, as it cannot be disputed that the investigating agency at Sonapat came to be seized of the matter only on 24th November, 2020, when after registration of the FIR, the petitioner was formally arrested by them. The 90 days period would thus commence only from the date of

registration of FIR No. 757, dated 09.11.2020. It is also a matter of record that the petitioner moved her application for default bail under Section 167(2) Cr.P.C. only on 04.01.2021., which was before the completion of the stipulated period of 90 days. Moreover, the investigation in FIR No. 757, dated 09.11.2020 by the investigating agency would have started only after the registration of the aforementioned FIR.

Still further, as also admitted by the learned counsel for the petitioner that the final report under Section 173 Cr.P.C. has already been presented on 11th January, 2021, which is within the stipulated period of 90 days from the date of registration of FIR in question at Sonapat on 09.11.2020.

Therefore, in the facts and circumstances of the case, no ground has been made out, which would warrant the interference of this Court to exercise its inherent powers under Section 482 Cr.P.C. and set aside the impugned orders.

Petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

March 12, 2021

J.Ram

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