

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

116

CRR-633-2022(O&M)

Date of Decision : **April 05, 2022**

Satnam Singh @ Sattu

.....Petitioner

VERSUS

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. R.S.Sidhu, Advocate
for the petitioner.

JASGURPREET SINGH PURI. J.

The present revision petition has been filed challenging the order dated 31.12.2021 passed by learned Additional Sessions Judge, Tarn Taran by which the application filed by the petitioner for grant of default bail under Section 167(2) Cr.P.C. has been dismissed.

The learned counsel for the petitioner has submitted that the petitioner was arrested on 3.7.2021 and since there was alleged recovery of 253 grams of Heroin which falls in the category of commercial quantity and the challan was required to be presented within 180 days but the same had been presented after a day later than 180 days and, therefore, he was entitled for the grant of default bail.

I have heard the learned counsel for the petitioner.

The dates in the present case are required to be noticed first. The FIR is dated 3.7.2021 when the petitioner was arrested. As per the impugned order, the petitioner is in custody since 4.7.2021. The challan

was presented on 30.12.2021. Therefore, for the purpose of calculating the period of 180 days, the same is to be reckoned from the date of remand in custody i.e. 4.7.2021 and not from the date of arrest i.e. 3.7.2021. While calculating from 4.7.2021, 180 days are completed on 30.12.2021. The challan has been presented on the last day i.e. on 30.12.2021 afternoon and, therefore, it cannot be said that the challan was presented after a period of 180 days. The argument raised by the learned counsel for the petitioner that the period is to be reckoned from the date of arrest is misconceived. The period is infact to be reckoned from the date of remand and not from the date of arrest in view of the law laid down by the Hon'ble Supreme Court in **Chaganti Satyanarayana and others Vs. State of A.P., 1987(1) RCR (Crl.) 40.**

In view of the aforesaid factual position, no ground is made out for any interference in the impugned order dated 31.12.2021 passed by learned Additional Sessions Judge, Tarn Taran and the present petition being devoid of any merit is, hereby, dismissed.

(JASGURPREET SINGH PURI)
JUDGE

April 05, 2022
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No