

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRR-2642-2022 (O&M)
Date of Decision:- 02.12.2022

Ravi Kumar Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Achin Gupta, Advocate, for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

1. By way of this petition, the petitioner challenges order dated 03.11.2022 passed by Judge, Special Court, Faridkot, vide which an application filed on his behalf seeking his release under the provisions of Section 167(2) Cr.P.C. has been dismissed.
2. Learned counsel for the petitioner submits that in the present case the application under Section 167(2) Cr.P.C. had been filed on 31.10.2022 and by which date the period of 180 days had already expired after the arrest of the petitioner and that the prosecution in order to frustrate the right of the petitioner for his release on bail presented the challan against him on the same very day and that such

like subsequent presentation of challan on the same day would not defeat the right of the petitioner.

3. This Court has considered the rival submissions.
4. The relevant dates as are not disputed are reproduced hereunder:

Date of arrest of the applicant:	04.05.2022
Date of first remand of the applicant:	04.05.2022
Date of the application:	31.10.2022
Date of presentation of challan:	31.10.2022

5. There can possibly be no dispute as regards the fact that the first day of remand has to be excluded while computing the statutory period prescribed for presentation of challan as had been held by Hon'ble Supreme Court in Ravi Prakash Singh @ Arvind Vs. State of Bihar (2015) 8 SCC 340. By discounting the day of arrest i.e. 4.5.2022, the 180th day thereafter would fall on 31.10.2022 as would be evident from the following computation:

May 2022	27 days
June 2022	30 days
July 2022	31 days
August 2022	31 days
September 2022	30 days
October 2022	<u>31 days</u>
	<u>180 days</u>

6. This Court thus finds that the trial Court has correctly computed the period of 180 days which was to expire on 31.10.2022. Even if the contention of the petitioner to the effect that the challan had been presented subsequent to the filing of application under Section 167(2) Cr.P.C. on the same day i.e. on 31.10.2022 is accepted, the same cannot be construed to mean that the challan had been presented

beyond the prescribed period of 180 days. As such, this Court does not find any infirmity in the impugned order and the same is upheld.

7. Finding no merit in the instant revision petition, the same is hereby dismissed.

02.12.2022

Mohan

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No