

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

**CRM-M No. 9293 of 2024 (O&M)
Date of Decision: 21.02.2024**

Sourav Mehta

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ritesh Pandey, Advocate
for the petitioner.

Mr. Kewal Singh, Additional Advocate General, Punjab

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present petition filed under Section 482 Cr.P.C., seeks quashing of the order dated 15.01.2024 (Annexure P-3) passed by the learned Additional Sessions Judge, Pathankot, whereby the order dated 13.12.2023 passed by learned Judicial Magistrate Ist Class, Pathankot, granting him default bail, stands reversed.

[2] In the present case, the petitioner was implicated as an accused in FIR No. 94 dated 17.09.2023 under Sections 420 & 406 of IPC and Section 13 of Punjab Prevention of Human Smuggling Act, 2014 (Sections 467, 468 & 471 of IPC added later on), registered at Police Station Division No. 1, Pathankot. On account of non-filing of challan within 60 days, an application under Section 167(2) Cr.P.C. was filed by the petitioner before the trial Court on 13.12.2023, which was allowed vide order dated 13.12.2023 (Annexure P-2) itself, passed

by learned JMIC, Pathankot. Aggrieved thereof, the respondent-State of Punjab approached the Revisional Court and the revision petition filed at the instance of State of Punjab was allowed vide order dated 15.01.2024 (Annexure P-3).

[3] Impugning the aforesaid order dated 15.01.2024 (P-3), learned counsel for the petitioner contends that the factum of DDR No. 26 dated 15.11.2023, whereby the offences under Sections 467, 468 & 471 of IPC were added in the FIR in question, was never brought to the notice of the trial Court, though the order was passed in the presence of learned State Counsel and this fact clearly shows that at the time of passing of the order dated 13.12.2023, no such DDR was ever in existence; as such, the application filed at the instance of petitioner was rightly allowed and no interference was warranted by the Revisional Court.

[4] On the other hand, learned State Counsel submits that DDR (supra) regarding addition of offences was already in existence, but could not be brought to the notice of the trial Court and thus, the revisional jurisdiction was well within its jurisdiction to interfere with the order passed by the trial Court.

[5] I have heard learned counsel for the parties and gone through the paper-book.

[6] A perusal of the record shows that vide DDR (supra), offences under Sections 467, 468 & 471 of IPC were added in the FIR in question and as such, the period for filing of challan was 90 days and

the application dated 13.12.2023 was not even maintainable especially in terms of the fact that the challan was presented by the Investigating Agency before the Illaqa Magistrate on 14.12.2023, which was clearly within 90 days.

[7] In view of the above, finding no merit in the present petition, the same is hereby **dismissed**.

February 21, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No