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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51364-2024
Date of decision: 25.03.2025

AKASH GUPTA

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Ms. Pallavi Babbar, Advocate as Legal Aid Counsel
for the petitioner.

Ms. Seena Sandhu, Addl. A.G., Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 528 read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for setting aside the order dated 17.09.2024 (Annexure P-2), vide which the petitioner has not been granted default bail with a further prayer to direct the release of the petitioner on default bail in connection with FIR No.160/2024, registered at Police Station Balongi, Mohali, Punjab.

2. Learned counsel for the petitioner submitted that it is a case where the petitioner was arrested on 14.07.2024 and challan was not presented within a period of 60 days and therefore, he was entitled for grant of default bail under Section 167 Cr.P.C./Section 187(3) of BNSS, 2023 and the aforesaid impugned order dated 17.09.2024 (Annexure P-2) is liable to be set aside.



3. On the other hand, Ms. Seena Sandhu, Addl. A.G., Punjab submitted that even a bare perusal of the aforesaid impugned order would show that the petitioner was arrested on 14.07.2024 and the provisions of Section 6 of the POCSO Act read with Sections 363, 366, 376DA IPC were invoked and the maximum sentence for the aforesaid offences is death, imprisonment for life or imprisonment for a term of 10 years or more and therefore, the period during which the challan was required to have been presented was 90 days and not 60 days and the impugned order has been passed on 17.09.2024, which is before the aforesaid period of 90 days and therefore, the Additional Sessions Judge, Fast Track Special Court, SAS Nagar has rightly dismissed the application for grant of default bail to the petitioner because the statutory period of 90 days had not expired.

4. After hearing the learned counsels for the parties and perusing the aforesaid impugned order dated 17.09.2024 (Annexure P-2) passed by the learned Additional Sessions Judge, Fast Track Special Court, SAS Nagar, this Court is of the considered view that no ground for interference is made out in the present case because it is an admitted case that the petitioner was arrested on 14.07.2024 and the offences of which he has been accused were Sections 363, 366, 376DA IPC read with Section 6 of the POCSO Act, for which the period for presentation of challan was 90 days and the application was filed prior to the aforesaid 90 days and even the order has been passed prior to 90 days and therefore, there is no error in the aforesaid impugned order passed by the learned Additional Sessions Judge, Fast Track Special Court, SAS Nagar.



5. Consequently, finding no merit in the present petition, the same is hereby dismissed.

25.03.2025
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No