



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

CRM-M-57074-2024
Date of decision: 28.02.2025

Ankit @ Sahil

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Yagsimant Attri, Advocate for the petitioner.

Mr. Arjun Lakhanpal, Addl. A.G. Haryana.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 528 of BNSS 2023 seeking quashing of order dated 30.08.2024 Annexure P-4 passed by the Court of Judicial Magistrate Ist Class, Kaithal whereby the application filed by the petitioner seeking grant of default bail under Section 187 (3) of BNSS 2023 in a criminal case having FIR No.113 dated 09.05.2024 under Section 302/34/120-B IPC, Police Station Rajound, was dismissed and order dated 24.10.2024 Annexure P-6 passed by the Court of learned Sessions Judge, Kaithal vide which the revision petition filed by the petitioner against order Annexure P-4 was dismissed.

2. The counsel appearing on behalf of the petitioner inter alia submits that from the perusal of remand paper Annexure P-2 dated 26.05.2024 presented by the investigating officer before the Court of Illaqa Magistrate, concerned seeking police remand of petitioner and co-accused Abhishek, it is apparent that the petitioner was arrested in the present case



by the police on 24.05.2024. It is further submitted that the police failed to present the challan against the petitioner within statutory period of 90 days and thus, indefeasible right of default bail, accrued in favour of the petitioner on the expiry of the 90th day and thus, the impugned orders Annexure P-4 and Annexure P-6 are not sustainable and deserve to be set aside and the petitioner is entitled to grant of default bail under Section 187(3) of BNSS 2023.

3. In compliance to the order dated 20.02.2025 passed by this Court, the State counsel has filed reply by way of affidavit of Lalit Kumar, Deputy Superintendent of Police, Kalayat, District Kaithal along with documents Annexure R-1 to Annexure R-3.

4. The State counsel while refuting the assertions made by the counsel for the petitioner submits that from the perusal of arrest memo Annexure R-1 coupled with DDR No.18 (Annexure R-3) dated 25.05.2024, it is apparent that the petitioner was formally arrested in the present case on 25.05.2024. It is further submitted that however, in the remand paper Annexure P-2, date of arrest of petitioner was mentioned as 24.05.2024, only due to typographical mistake. It is further submitted that in the given circumstances, the trial Court rightly dismissed the application filed by the petitioner seeking grant of default bail under Section 187(3) of BNSS 2023 and thus, there is no illegality in impugned orders Annexure P-4 and Annexure P-6.

5. I have considered the submissions made by counsel for the parties.

6. From the perusal of the aforesaid documents relied upon by the

State counsel, it is evident that the petitioner was arrested by the police on 25.05.2024. The date of said arrest was recorded as 24.05.2024 in remand paper Annexure P-2 only due to oversight or typographical mistake. As the date of arrest of petitioner is 25.05.2024, the police presented the challan against the accused persons including the petitioner within statutory period of 90 days as prescribed in Section 187 (3) of BNSS 2023. Thus, the petitioner was not entitled to grant of default bail as prayed for.

7. In light of the above, the present petition is hereby dismissed being devoid of merits.

28.02.2025
Yogesh

(KARAMJIT SINGH)
JUDGE

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