

**IN THE COURT OF Dr. JUBLEE, PCS,
JUDICIAL MAGISTRATE IST CLASS, NAKODAR.
(UID NO. PB-0415)**

CIS No.	BA/232/2022
CNR No.	PBJLA1-001975-2022
Date of institution	29.07.2022
Date of order	29.07.2022

State

Vs.

Baljeet Singh aged about 28 years son of Swaran Singh resident of village Vehran, P.O. Ummrewal Billa, District Jalandhar.

FIR No. 80 dated 05.04.2022
Under Section 379-B (2) of IPC,
PS : Shahkot.

Present:- Sh. Manish Tiwari, Adv. counsel for
applicant/accused Baljeet Singh.
Ms. Nirlep Kaur, Learned. APP for the State.

ORDER

At 10 : 30 A.M., application under Section 167 (2) Code of Criminal Procedure presented today on behalf of applicant/accused Baljeet Singh. It be checked and registered.

Arguments heard. Learned counsel for applicant/accused argued that accused has been falsely implicated in this case and all

the allegations in the FIR are false and do not constitute any offence against the applicant/accused. The accused was arrested on 04.05.2022 by the police and was sent to judicial custody on 07.05.2022. The stipulated period of 60 days has passed as required under law for presentation of challan in the Court but the police has not presented the challan in the Court within time, as such the accused/applicant is liable to be released on bail on this sole ground. The 1st bail application under Section 439 Code of Criminal Procedure was withdrawn by the accused on 08th July, 2022 from Hon'ble Court of Sessions Judge, Jalandhar and 2nd bail application was dismissed by the Court of Hon'ble Sessions Judge, Jalandhar on 20.07.2022. The learned counsel for the applicant/accused prayed that the accused may be admitted on bail.

Notice of the bail application was given to the learned APP for the State, who has opposed this bail application on the ground that in the present case accused has been booked for the offence punishable under Section 379-B (2) of Indian Penal Code. So, time to present challan against the accused is 90 days. She prayed that this application may be dismissed.

This Court has carefully considered the contentions raised by the learned counsel for defence and learned APP for the State and have gone through the judicial file and relevant provisions of law carefully and minutely.

Perusal of the file reveals that in present case accused is booked for an offence punishable under Section 379-B (2) of Indian Penal Code. Learned counsel for the applicant submitted that in the present case accused was arrested on 04.05.2022 and the investigating agency has failed to present challan against the accused within 60 days, so, indefeasible right accrued in favour of the accused and he may be admitted on bail. On the contrary, learned APP for the State has argued that as accused has been booked for an offence under Section 379-B (2) of the Indian Penal Code, so, Investigating agency has period of 90 days time to present the challan against the accused.

In the present case, the main question which is required to be considered is whether the period to available to the investigating agency to complete the investigation would be 60 days or 90 days. In the present case, accused is booked for an offence punishable under Section 379-B (2) of the Indian Penal Code because, as per contents of FIR as applicant/accused caused injury with rod while snatching Rs. 3500/-.

Section 379-B (2) of Indian Penal Code provides that if in order to the committing of snatching, or in committing the snatching, the offender causes hurt, or wrongful restraint or fear of hurt or after committing the offence of snatching, causes hurt or wrongful restraint or fear of hurt in order to effect his escape, shall be punished with imprisonment for a term, which **shall not be less than ten years** and shall also be liable to fine of rupees ten thousand. Thus, the period available for completing investigation would be 90

days. As per the report of concerned ahlmad accused is in custody since 07.05.2022 and period of 60 days has expired in the present case. In view of what has been discussed above, this Court is of considered opinion that this bail application is not maintainable being premature. Hence, this applications stands dismissed and disposed off.

Pronounced in open Court

Date of Order: 29.07.2022

Parveen Kumar

(Jublee)PCS,
Judicial Magistrate Ist Class.
Nakodar

UID-PB0415

(Dictated Directly)