

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-19587-2015 (O&M)

Date of decision: 08.07.2015

Rinku

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

PRESENT: Mr. Naveen Sharma, Advocate for the petitioner.

R.P. NAGRATH, J. (ORAL)

CRM-20668-2015

Application is allowed as prayed for.

Copies of MLR of injured Sarwan Singh and opinion of the doctor thereupon as Annexures P-3 and P-4, respectively, be taken on record, subject to all just exceptions.

CRM-M-19587-2015

Prayer in the instant petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in FIR No. 148 dated 12.07.2013 registered under Sections 323/324/326/148/149 of the Indian Penal Code (IPC) at Police Station Kapurthala City, District Kapurthala.

I have heard learned counsel for the petitioner and carefully perused the record.

The petitioner along with co-accused, namely; Raj Kumar @ Raju and Govinda are stated to have inflicted injuries on the person of complainant-Sarwan Singh, who is the brother of father-in-law of the petitioner. The incident took place on 24.06.2013. As per copy of MLR (Annexure P-3), there were 3 injuries found on the person of complainant, out which two were incised wounds, one on the left parietal region of skull and the second on the back of left forearm. The injury on the left forearm was declared grievous in nature and attributed to the petitioner attracting offence under Section 326 IPC.

Learned counsel for the petitioner contends that there was delay of 18 days in lodging the FIR and the explanation furnished was that there was a talk of some amicable settlement which did not mature. I am of the view that delay in recording FIR would not entitle the petitioner for grant of pre-arrest bail especially when the medical examination of the injured/complainant was conducted on the same day when the incident took place.

The pre-arrest bail application filed by the petitioner was declined by the learned Sessions Court, vide order dated 25.09.2013 (Annexure P-2) and the petitioner approached this Court two years thereafter. Learned counsel for the petitioner, however, submits that there was a representation made by petitioner to the senior police authorities and it took long time in disposal of said representation and now the police is raiding his house.

However, looking into serious allegations, I do not find any merit in the instant petition and the same is dismissed.

At the end, learned counsel for the petitioner submits that the petitioner is ready to surrender before the police authorities. It is observed that in case the petitioner surrenders before investigating agency within three days, the trial Court would decide his application for grant of regular bail, expeditiously.

July 08, 2015
rishu

(R.P. NAGRATH)
JUDGE