

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

CRM-M-43119-2014 (O&M)

Date of decision : 12.02.2015

Nirmal Kaur and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

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

Ms. Harsimrat Rai, DAG, Punjab,
assisted by ASI Rajwant Singh.

Mr. PBS Goraya, Advocate for the complainant.

JITENDRA CHAUHAN, J.

The present petition has been filed under Section 438 of the Code of Criminal Procedure, for grant of pre-arrest bail to the petitioners, in case FIR No.93 dated 30.10.2014, registered under Sections 323, 324, 148, 149, 326 of the Indian Penal Code, (for short, 'the IPC') at Police Station Rangar Nangal, Police Distt. Batala, Distt. Gurdaspur.

The learned counsel contends that it is a case of version and cross-version, wherein, persons from both the sides suffered injuries.

There is an unexplained and inordinate delay of six days in lodging the

FIR.

On the other hand, the learned State counsel, on instructions, states that the main accused, Bakshi Ram, the husband of petitioner No.1, is still absconding.

Heard.

Keeping in view the facts that the injury attracting the rigors of Section 326 IPC is attributed to co-accused, Bakshi Ram, there is a delay of 6 days in lodging the FIR and it is yet to be ascertained as to who is the aggressor, without adverting to the merits of the case, the instant petition is allowed the the order dated 17.12.2014, passed by this Court, is made absolute.

12.02.2015

atulsehi

**(JITENDRA CHAUHAN)
JUDGE**