

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

CRM-M No.27185 of 2016

Date of decision: August 22, 2016

Karanbir Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Amit Dhawan, Advocate
for the petitioners.

Mr. P.S. Paul, DAG, Punjab
for the respondent-State.

JASPAL SINGH, J.

By virtue of the instant petition preferred under Section 438 of Code of Criminal Procedure, petitioners have sought pre-arrest bail, feeling apprehension of their arrest, in case bearing FIR No.3 dated 19.01.2016, under Sections 336, 427 of Indian Penal Code and Sections 25 and 27 of Arms Act registered at Police Station Nakodar, District Jalandhar City.

The instant case has been registered on the basis of statement of the Manager of Nagina Fort Palace, Nakodar with the allegations that on 7th January, 2016, a marriage ceremony was being performed in the palace and Orchestra party was performing its programme where the members of the marriage party were dancing. The petitioners started firing upwards in the air which caused damage to the lightening system.

The contention of learned counsel for the petitioners is that petitioners have been falsely implicated in the instant case. Moreover,

there is an inordinate delay of 13 days in the registration of the FIR for which there is no explanation furnished by the prosecution. It was only thereafter, the petitioners were involved in the instant case. The petitioners is ready to comply with all the terms and conditions imposed by this Court in case he is granted the concession of pre-arrest bail.

This Court has considered the aforesaid submission made by learned counsel for the petitioners but does not find any merit therein. Undoubtedly, FIR has been registered after a gap of 13 days from the date of occurrence. The role which has been attributed to the petitioners came to light on the basis of video footage of the function and it was only thereafter, FIR was registered. It is yet to be established as to whether the firing was made by the petitioners from the licensed or unlicensed weapon. Moreover, such like incidents are increasing day-by-day and the fire arms are being used just astoy. The recovery of weapon is still to be effected which is only possible through custodial interrogation.

Taking into consideration the aforesaid aspects, this court does not find any merit in the instant petition. As such, the same is dismissed.

August 22, 2016
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No