

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

CRM-M-41879-2016 (O&M)

Date of decision : 22.11.2016

Shiv Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Ashwani Gaur, Advocate for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been filed under Section 438 of the Code of Criminal Procedure, for grant of anticipatory bail to the petitioner in case FIR No.105 dated 25.03.2016, registered under Sections 323, 324, 307, 341 and 506 of the Indian Penal Code, (for short, 'the IPC') at Police Station Murthal, Distt. Sonapat.

Learned counsel for the petitioner contends that in the inquiry conducted by senior police officers, no incriminating evidence could be collected against the petitioner. The petitioner had no motive or intention to cause injury to the complainant as the matter had already been settled. There is a delay in lodging the FIR. The occurrence took place on 24.03.2016 at 7.30 p.m., whereas, the FIR was registered on the following day, i.e. 25.03.2016 at 4.30 p.m. The complainant remained fit throughout to make statement.

Heard.

ATUL SETHI
2016.11.28 17:59
I attest to the accuracy and
authenticity of this document
Chandigarh

As per the FIR, the complainant was immobilized by the petitioner, whereas, his brother, co-accused Shiv Om inflicted injuries upon the complainant, which were declared dangerous to life. Moreover, as the complainant suffered grievous injuries, his prime concern was to get the medical assistance, therefore, the delay cannot be said to be inordinate in the instant case.

In view of the fact that the petitioner is named in the FIR and specific role has been attributed to him, no case for grant of pre-arrest bail is made out at this stage.

Dismissed.

However, nothing noticed hereinabove shall be construed as an expression of opinion of this Court, on the merits of the case.

22.11.2016
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No