

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-2503-2017

Date of Decision: 08.03.2017

Gurwinder Singh @ Gora and another

.....Petitioners

vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. S.N. Sharma, Advocate,
for the petitioner.

Mr. Rajesh Mehta, Addl. Advocate General, Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Learned counsel for the petitioners reiterates what the petitioners had themselves stated when they appeared in person on the last date of hearing, when the Bar Association had suspended work, that despite the fact that the incident had allegedly taken place on 31.10.2016, the FIR was registered on 29.11.2016, i.e. almost one month later.

On that ground alone, despite the allegations against the petitioners, this Court had admitted them to interim bail, subject to their joining investigation.

Today, learned counsel for the State, on instructions from the police official who is present in Court today to assist him, submits that the recovery of a '*gandasi*' allegedly used by petitioner no. 2 and the '*lathi*' allegedly used by petitioner no. 1, are to be recovered from them, and therefore, their custodial interrogation is required.

Though otherwise there may have been valid grounds, with the kind of allegations made against the petitioners, to deny them bail, however, the very fact that the FIR itself was lodged about one month after the alleged incident, I am not inclined to agree with learned State counsel.

Learned counsel for the State further submits that as a matter of fact, an FIR was not registered as there were talks of a compromise going on between the parties.

This Court fails to understand as to why, when a cognizable offence was obviously made out as per allegations, subject of course to whatever subsequent investigation may have revealed with regard to the truth of the allegations, why the FIR was unnecessarily delayed.

Consequently, in view of the above, I see no reason to deny continuance of the interim order granted in favour of the petitioners. Hence, the order dated 25.01.2017 is made absolute.

However, anything observed hereinabove, will be only taken to be in the context of benefit of pre-arrest bail and shall not be taken in consideration as regards the merits of the allegations against the petitioners, which would be subject matter of investigation and the trial if it comes to that.

(AMOL RATTAN SINGH)
JUDGE

March 08, 2017

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Whether speaking/reasoned

Yes

Whether Reportable

No.