

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

CRM-M-22116-2018

Date of Decision: 27.07.2018

Mohar Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. A.S. Manaise, Advocate
for the petitioner.

Mr. Luvinder Sofat, A.A.G. Punjab.

P.B. BAJANTHRI J. (Oral)

In the instant petition, petitioner is seeking anticipatory bail under the provisions of Section 438 Cr.P.C. in case FIR No.28 dated 3.3.2018 under Sections 307, 120-B, 34 IPC and 25/27/54/59 of Arms Act registered at Police Station Arniwala, District Fazilka.

2. Learned counsel for the petitioner submitted that there is delay in lodging of FIR having regard to the fact that incident took place on 28.02.2018 whereas FIR was registered on 3.3.2018. It was also submitted that injured persons do not disclose the name of the petitioner initially and they disclosed subsequently. Petitioner-accused and complainants/injured are blood related. One of the injured is mother of the petitioner and brother of the petitioner.

3. On the other hand, learned counsel for the respondent-complainant submitted that injury caused on the persons namely Jaskaur and Kartar Kaur are gun shots. It was further submitted that petitioner has committed heinous crime as he attempted to murder the complainants Jaskaur and Kartar Kaur who are brother and mother. It was also contended that mother is blind. Therefore, for the purpose of recovery of weapons, custodial interrogation is required. Consequently, petitioner is not entitled to

anticipatory bail.

4. Heard the learned counsel for the parties.

5. No doubt there is delay of two days in lodging of FIR but at the same time no one can lose sight of the fact that incident took place on 28.2.2018 in the evening and when injured persons were taken to the Hospital at Fazilka. Having regard to the nature of injuries, injured persons were referred to Hospital at Ludhiana. Thus, they were referred to Hospital at Ludhiana on 1.3.2018 and thereafter statement of the injured persons were recorded on 2.3.2018. Consequently, FIR was lodged on 3.3.2018. Therefore, there is no delay in lodging of FIR.

6. In view of these facts and circumstances and having regard to the heinous crime alleged to have been committed by the petitioner, he is not entitled for anticipatory bail.

7. Accordingly, petition stands dismissed.

27.07.2018
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**