

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

**CRM-M No. 29724 of 2020
Date of Decision: 23.08.2022**

Narinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Malhar Singh Dhami, Advocate
for the petitioner.

Mr. Iqbal Singh Mann, DAG, Punjab.

Mr. H.S. Randhawa, Advocate appearing for
Mr. Preetinder Singh Ahluwalia, Advocate
for the complainant.

MEENAKSHI I. MEHTA, J.(Oral)

The petitioner herein has sought the relief of pre-arrest bail in the criminal case arising out of the FIR bearing No.147 dated 20.08.2020 registered at Police Station Khamano, District Fatehgarh Sahib, under Section 25 of the Arms Act, 1959 as well as Section 506 IPC.

2. Fresh Power of Attorney has been filed on behalf of the petitioner in the Court today and the same is taken on the record.

3. Learned State counsel, on the instructions from ASI Daljeet Singh from the afore-said Police Station, apprises the Court that though in compliance of the order passed by the Co-ordinate Bench in this petition, the petitioner had joined in the investigation but he did not co-operate the

investigating agency and rather, his custodial interrogation would be required for the purpose of effecting the recovery of the pistol from him.

4. Status-report submitted on behalf of the respondent-State in compliance of the order dated 11.01.2022, along-with Annexure R-1, is already available on the file and these documents are taken on the record.

5. I have heard learned counsel for the petitioner as well as learned State counsel (assisted by learned counsel for the complainant) in the present petition and have also perused the file carefully.

6. Learned counsel for the petitioner contends that there is a delay of almost six months in lodging the subject FIR and moreover, the petitioner had joined in the investigation in compliance of the directions given by this Court and in these circumstances, he deserves the relief as prayed for in the instant petition.

7. Per contra, learned State counsel argues that though the petitioner did join in the investigation but however, he has not co-operated in the same and the weapon of the offence, i.e pistol, is yet to be recovered from him and it being so, this petition be dismissed.

8. As regards the above-referred delay in lodging the FIR, it is well settled that such delay is not always fatal to the case of the prosecution and it is entirely for the prosecuting agency to plausibly explain the same. The investigation is still at the nascent stage in the case and the fact as to whether the afore-said delay stands plausibly explained or not, can and shall be looked into and ascertained by the trial Court at the relevant stage after appreciating and evaluating the evidence that would be led on the

record during the course of the trial and the same cannot be determined at the stage of deciding the present bail petition.

9. So far as the contention regarding the petitioner having joined in the investigation is concerned, it is again pertinent to mention here that as informed by learned State counsel, though he (petitioner) had joined in the investigation but he did not co-operate in the same and the weapon of the offence is yet to be recovered from him. In such circumstances, the possibility of the requirement of the custodial interrogation of the petitioner for the above-said purpose cannot be ruled out.

10. Keeping in view the afore-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he does not deserve the relief of pre-arrest bail. Resultantly, the petition in hand stands dismissed accordingly.

August 23, 2022
pooja

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>