

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

**CRM-M No.34987 of 2022
Date of Decision: 27.10.2022**

Gajinder Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present:- Mr. Sohrab Dhanda, Advocate appearing for
Mr. Amandeep Singh Manaise, Advocate
for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

MEENAKSHI I. MEHTA, J.(Oral)

Apprehending his arrest in the criminal case arisen out of the FIR bearing No.101 dated 16.05.2022 registered at Police Station City Gurdaspur, District Gurdaspur, under Sections 307, 323 and 341 IPC, the petitioner has preferred this petition for seeking the relief of pre-arrest/anticipatory bail.

2. Bereft of unnecessary details, the allegations as levelled by informant-injured Vikas Mohan in the subject FIR, are that on 09.05.2022, he had gone to the Bus Stand, Gurdaspur and there, he met his elder brother Harish Mohan. The petitioner and his co-accused, who were also present there, started quarrelling with him and then, the petitioner gave the 'kirch'

blows in his abdomen and on his back and thereafter, he fled away from the spot along-with his co-accused.

3. Status-report has already been filed on behalf of the respondent-State by way of the affidavit of the Deputy Superintendent of Police, City, District Gurdaspur.

4. I have heard learned counsel for the petitioner as well as learned State counsel in the instant petition and have also perused the file carefully.

5. Learned counsel for the petitioner contends that there is a delay of one week in lodging the FIR and even otherwise, the custodial interrogation of the petitioner would not be required at all during the investigation of the case and in these circumstances, he (petitioner) deserves the relief as prayed for in the present petition.

6. Per contra, learned State counsel argues that the petitioner is the author of the injuries attracting the offence under Section 307 IPC in this case and moreover, his custodial interrogation is required to recover the weapon of the offence, i.e 'kirch' from him and it being so, this petition be dismissed.

7. The contention regarding the delay in lodging the FIR and the effect of such delay on the merits of the case, can and shall be looked into and adjudicated upon by the trial Court at the appropriate stage after appreciating and evaluating the evidence that may be led on the record during the course of the trial and the same cannot be ascertained at the stage of deciding the instant bail petition.

8. The offence under Section 307 IPC has been invoked in this case in view of the nature of the injuries as allegedly caused by the petitioner to the afore-named informant-injured. It has categorically been deposed in para No.8 in the status-report that the custodial interrogation of the petitioner is required for affecting the recovery of the 'kirch' used in the commission of the crime.

9. Keeping in view the above-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 (petitioner) does not deserve the relief of pre-arrest/anticipatory bail. Resultantly, the petition in hand stands dismissed accordingly.

10. However, it is clarified that nothing contained here-in-before shall be construed to be an expression of the opinion of this Court on the merits of the case.

October 27, 2022
pooja

(MEENAKSHI I. MEHTA)
JUDGE

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