

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

103 CRM-M-16659-2024
Date of Decision : April 05, 2024

GURPREET SINGH -PETITIONER

V/S

STATE OF HARYANA -RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Rakesh Gupta, Advocate
for the petitioner.

Mr. Bhupender Singh, D.A.G., Haryana.

KULDEEP TIWARI, J. (ORAL)

- Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks the concession of anticipatory bail, in case FIR No.292 dated 27.12.2023, under Sections 323, 341, 506, 34 of the IPC (Section 325 of the IPC added subsequently), registered at P.S. Panjokhra, District Ambala.
- Succinctly stated, what constituted the bedrock for registration of the present FIR, was the complaint made by one Karanvir Singh, wherein he alleged that, on 24.12.2023, at about 06:45 p.m., when he, on his motorcycle, reached near the main gate of Khalsa College, Panjokhra Sahib, he was waylaid by a Verna car, wherein two boys, namely, Gurpreet Singh (petitioner) and Sachin Punia were seated. After alighting from the car, both these persons, who were armed with iron rods fitted with iron gears, attacked upon the complainant and inflicted injuries to him.

3. The learned counsel for the petitioner, in his asking for the relief (supra), submits that the FIR is a result of concoction and premeditation, inasmuch as, it has been registered after a delay of three days. He further submits that despite offences punishable under Sections 323 and 325 of the IPC being “bailable offences”, yet bail has erroneously been declined to the petitioner, by the learned trial Court concerned. Lastly, he submits that since the petitioner is not even the owner of the car, wherein he and his co-accused are alleged to have arrived at the spot, therefore, the petitioner may be granted the relief (supra).

4. This Court has examined the record available before it and also considered the submissions made by the learned counsel for the petitioner, however, is not inclined to grant the extraordinary relief of anticipatory bail to the petitioner. The reasons for forming this inference are extracted hereinafter.

5. The primary reason for declining anticipatory bail to the petitioner ensues from the complainant, upon his being beaten black and blue in broad daylight, suffering five injuries, out of which, one head injury, which is disputably attributed to the petitioner, has been declared “grievous in nature”.

6. Insofar as delay in registration of the FIR is concerned, it is now well settled that mere delay in registering the FIR is not always fatal to the prosecution. It is a matter for the court to determine in each case whether the delay is properly explained by the prosecution and the delay in registering the FIR casts any suspicion. In the instant case, the petitioner is unable to cite any cogent and convincing substance, which

may impel this Court to draw an inference that the FIR is a result of concoction and premeditation.

7. For the reasons (supra), the asked for relief of anticipatory bail is declined to the petitioner and the petition is accordingly **dismissed**.

8. However, anything observed hereinabove shall neither be construed to have any bearing on the outcome of the trial, nor the trial Court concerned shall be influenced by any of the observations recorded herein.

April 05, 2024
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(KULDEEP TIWARI)
JUDGE

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