



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

CRM-M-62382-2024

Date of decision: January 10th, 2025

Abhishek

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Dr. G.P.S. Randhawa, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

Mr. Rohit Sharma, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of anticipatory bail in
FIR No.51 dated 28.10.2024 under Sections 115(2), 118(1), 126(2),
3(5), 324(4), 351(2), 118(2), 109 of the BNS registered at Police Station
Behrampur.

2. On the last date of hearing i.e. on 12.12.2024, while issuing
notice of motion, following submissions of learned counsel for the
petitioner were recorded:

*“Learned counsel for the petitioner inter alia contends
that there is an unexplained delay of 16 days in lodging
of the FIR from the date of alleged occurrence, which
points to a fabricated and false version having been
brought forth against the petitioner. It has also been
submitted that the petitioner has been attributed two
injuries on the left arm of the complainant, which as per
the opinion given by the doctor, could be a result of
friendly hand. Learned counsel has further submitted that*

the delay in lodging of the FIR also needs to be appreciated in the light of the complainant after being admitted in the hospital following the occurrence in question on the same day was declared medically fit to get his statement recorded, however, for reasons best known, rather obvious, chose to get the FIR lodged only on 28.10.2024.”

3. Learned counsel appearing for the complainant has at the outset submitted that no doubt, there is a delay of 16 days in the lodging of the FIR, however, it is a matter of record that the complainant was promptly removed to the hospital in an injured condition soon after the occurrence in question; the police was duly intimated about the admission of the injured by the doctors and the injured had made a written complaint to the police with respect to the occurrence in question and in particular to the role played by the petitioner, however, for reasons best known, rather obvious, the police chose not to proceed with the complaint against the petitioner and it was only on 28.10.2024 that the FIR in question came to be finally registered. Learned counsel for the complainant has submitted that a perusal of the FIR (Annexure P-1) leaves no manner of doubt that it was a premeditated attack carried out by all the accused, who were armed with lethal weapons. The attack was carried out on account of a previous history of strained relations between them. It has been contended that no doubt, the petitioner has only been attributed blows with a *datar* on the arms of the injured, however, the injured had sustained four grievous injuries on his person; one of the co-accused was also armed with a firearm, with which he fired indiscriminately in the air.

4. Learned State counsel, on instructions, has not disputed that soon after the occurrence in question, the injured was admitted in the hospital and a *ruqa* was also sent to the police intimating about his admission. It has also not been disputed by the learned State counsel, on instructions, that a written complaint was indeed given by the complainant on the following day of his admission in the hospital detailing the entire occurrence and role played by each of the accused, including the petitioner. However, it has been asserted that the delay in the lodging of the FIR was on account of the fact that the respectables of the villages were attempting a reconciliation between the parties, which did not fructify.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. In the fact and circumstances as enumerated hereinabove and keeping in view the serious and specific allegations levelled in the FIR against the petitioner, this Court is not inclined to extend the extraordinary concession of anticipatory bail to him.

7. The instant petition stands dismissed.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

January 10th, 2025

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No