
(2020) 08 UK CK 0064

In the Uttarakhand High Court

Case No : Writ Petition (Criminal) No. 1348 Of 2020

Gurmukh Singh @ Gumma And Others

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision : 31-08-2020

Acts Referred:

Indian Penal Code, 1860 — Section 147, 148, 307, 323, 352, 427, 504, 506
Constitution Of India, 1950 — Article 226

Citation : (2020) 08 UK CK 0064

Hon'ble Judges : Ravindra Maithani, J

Bench : Single Bench

Advocate : Lalit Sharma, Sachin Panwar

Final Decision : Disposed Of

Judgement

Ravindra Maithani, J

1. The petitioners seek quashing the FIR No.277 of 2020 under sections 147, 148, 504, 506, 352, 427, 323 & 307 IPC, Police Station Gadarpur, District Udham Singh Nagar.
2. This matter is heard through Video Conferencing.
3. According to the FIR on 21.08.2020 at about 10:30, when the informant was returning to his house along with his friends, namely, Sumit Singh and Rishubh Kamboj, near Sahnai Vatika, the petitioners suddenly attacked them with lathi, danda, sword and country-made pistols. They damaged the vehicle of the informant also. Informant and his friend Sumit were seriously injured.
4. Learned counsel for the petitioners would submit that what petitioners want is that they should not be arrested in a routine and mechanical manner.
5. This is a petition of under Article 226 of Constitution of India and has been filed for quashing of the FIR. In cases, if the FIR discloses the commission of offences, generally interference in these proceedings is not warranted and in fact

it has not been argued as well. Therefore, to that extent no interference is warranted.

6. But an apprehension is raised that the petitioners may be arrested in a routine and mechanical manner. Arrest definitely curtails a person precious possession i.e. his liberty. Arrest is not a routine and mechanical task of the IO. First and foremost the IO has to ascertain complicity of a person in the offence and thereafter he has further to take a judicious decision as to whether there is any need for arrest. This Court has no doubt that IO in the instant case will definitely follow all the statutory provisions and guidelines on the subject of arrest, if such an occasion arises, in the instant case.

7. With the above observation, the present writ petition stands disposed of.