

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-11170 of 2015
Date of decision : 07.07.2015

Palwinder Singh @ Palli

..... Petitioner

versus

State of Punjab

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present: Mr. Harinder Singh, Advocate
for the petitioner**

Mr. V.P.S. Sidhu, AAG Punjab

**Mr. Harpreet Multani, Advocate
for the complainant**

ANITA CHAUDHRY, J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No. 10 dated 13.01.2014, registered under Sections 323/325/506/148/149 IPC and 25/27/54/59 Arms Act later on added offence under Section 452/427 IPC at Police Station Laddowal, District Ludhiana.

Vide order dated 24.04.2015, the petitioner was directed to join the investigation.

Learned State counsel informs that the petitioner has not cooperated and recovery of the gun has not been made. He also informs that Section 308 IPC has been added. It is also stated that recovery of Scorpio vehicle is yet to be made.

Complainant – Paramvir Singh was talking to Rajesh when a Scorpio vehicle and a Maruti car all of a sudden came and stopped. Palwinder Singh @ Palli armed with Riffle and Mandeep

Singh @ Mann armed with hammer and other 5-6 unknown persons armed with Dangs and iron rods surrounded him. Palwinder Sigh gave butt blow of the gun on his right shoulder while Mandeep gave a hammer blow on the right leg of the complainant. The other unidentified persons gave stick blows. The complainant was rescued by his friends.

Learned State counsel informs that custodial interrogation is necessary to know the identity of other assailants and they have to recover the gun which was crucial piece of evidence as broken piece was recovered and the gun which has been handed over is a different gun and the petitioner is not cooperating.

The complainant suffered 6 fractures. Section 308 IPC has been added. Recovery is yet to be effected. Section 438 Cr.P.C. is an extra ordinary provision and protective cover can only be given considering the material and the facts of a particular case. The allegations against the petitioner are serious. Custodial interrogation is necessary and recovery is to be effected. The investigation can not progress without curtailing their freedom to enable the investigators to proceed and to procure disappearance of evidence. Fetters can not be placed upon investigators. No case for grant for anticipatory bail is made out.

The petition is dismissed.

July 07, 2015

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**(ANITA CHAUDHRY)
JUDGE**