

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

CRM No. M-22222 of 2015

Date of decision:- July 21, 2015

Gurjant Singh

.....Petitioner..

Vs.

State of Punjab

....Respondent..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Jaspreet Singh Brar, Advocate,
for the petitioner.

Mr. Deepak Garg, AAG, Punjab.

JASPAL SINGH, J. (Oral)

This is a petition under Section 438 Cr.P.C. preferred by Gurjant Singh, seeking pre-arrest bail, feeling apprehension of his arrest, in case FIR No. 97, dated 24.04.2015, under Sections 304, 201 and 34 IPC, registered at Police Station Sadar, Ferozepur, District Ferozepur.

2. Contention of learned counsel for petitioner is that petitioner has been falsely implicated in the instant case. In fact, FIR was got registered against unknown person and on the basis of statement of father of deceased-Vikram Singh, proceedings under Section 174 Cr.P.C. were carried out on December 24, 2014 as father of the deceased do not raise any suspicion or doubt against

any person regarding the death of his son. But after about 4 months of the death of Vikram, complainant lodged the present FIR, roping in petitioner, his father and some other persons.

3. It has further been contended by learned counsel for petitioner that no role has been attributed to the petitioner. He as well as his father has simply been dragged in this case on the basis of disclosure statements alleged to have been suffered by Harbans Singh and Gursewak Singh. It is a debatable question whether the statements suffered by co-accused are admissible. Petitioner is also ready to join the investigation and undertakes to abide by all the terms and conditions imposed by the Court, in case, he is granted the concession of pre-arrest bail.

4. On the other hand, learned State counsel has strongly opposed the grant of pre-arrest bail. He has vociferously argued that after the arrest of Harbans Singh and Gursewak Singh, co-accused of the petitioner, they were subjected to custodial interrogation, during which, they have disclosed that head injury to the deceased was caused by petitioner, which proved fatal and further that weapon used during commission of alleged crime is yet to be recovered, which is only possible during the course of custodial interrogation. On these grounds, learned State counsel has prayed for dismissal of petition.

5. This Court has given an anxious thought to the rival submissions made by learned counsel for the parties and has gone through the record available.

6. No doubt, name of petitioner does not figure in the FIR.

However, when Harbans Singh and Gursewak Singh were arrested in this case on April 14, 2015 and were subjected to custodial interrogation on April 15, 2015, they have ascribed a specific role to the petitioner that he caused head injury on the person of deceased. As a result of which, he died. Weapon used in the commission of offence is yet to be recovered, which is only possible through his custodial interrogation.

7. This Court is further of the considered view that in the absence of custodial interrogation of petitioner, investigation of this case is likely to be stultified as there are serious and specific allegations against the present petitioner.

8. Thus, taking into consideration all these aspects, this Court does not deem it a fit case to grant the concession of pre-arrest bail.

9. Accordingly, petition stands dismissed.

(JASPAL SINGH)
JUDGE

July 21, 2015
sonika