

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

Cr. Misc. M 7753 of 2016

Date of decision: 11.3.2016

Ranjit @ Rana and anr

Petitioners

vs.

State of Punjab

Respondent

Present: Mr. Navkiran Singh, Advocate.
Ms. HK Athwal, DAG, Punjab
Ms. Satpreet Grewal Kapila, Advocate.

M.M.S.BEDI,J.

The petitioners seek the concession of pre-arrest bail in a case registered at the instance of Gurpreet Singh alleging that on 10.1.2016 when the complainant along with his family members was coming from the house of his sister, they saw Balwant Singh, father of the complainant, having a dispute with the petitioners in side their shop on account of mobile phone of Bawant Singh having not been recharged despite he having paid the money to the petitioners. Pursuant to the dispute, the petitioners allegedly gave beatings to the complainant's father with a base ball bat and a danda, on account of which he died.

So far as petitioner No.1 is concerned, he is alleged to have given injury with a base ball bat on the left temporal region near the left ear of the deceased and another blow on the left elbow of the deceased. So far as petitioner No.2 is concerned, he is alleged to have struck the head of the deceased against the table and given stick blows on the biceps of the deceased.

Counsel for the petitioners has contended that the petitioners have been falsely implicated in the case on the basis of misguided

suspicion. The petitioners claim that deceased Balwant Singh had met with an accident in front of their shop. The petitioners had informed Gurpreet Singh regarding the accident. The petitioners along with Gurpreet Singh had taken Balwant Singh deceased to the hospital, from where he was referred to PGI and ultimately he died on account of the injuries received.

Counsel for the petitioners has drawn attention of this court to the post-mortem report of the deceased in order to substantiate his argument that there is a patent contradiction and improbability apparent on the record indicating that the injuries received by the deceased were not the result of alleged blows but are the result of accident. On the other hand State counsel and counsel for the complainant have opposed the petition for pre-arrest bail.

Learned State counsel has referred to the statements of Manjit Kaur, widow of the deceased, Varinder Singh eye witness, who happens to be the friend of Gurpreet Singh and Mandeep Kaur, daughter of the deceased, corroborating the statement of Gurpreet Singh.

Counsel for the petitioners has further argued that the petitioners have been involved in the case on the basis of misguided suspicion. Even the ladies of the families of the petitioners have been involved in the case alleging that they had exhorted the petitioners to inflict injuries on the person of the deceased and that one of them, mother of petitioners has been granted the concession of pre-arrest bail by the Sessions Court. It has further been argued that the said lady having been granted the concession of pre-arrest bail but she was found in illegal custody of the police, as a result of which a separate petition has been filed before this court.

I have heard counsel for the parties and gone through the

police record as well as the site plan and the other documents, prepared during the course of investigation.

The credibility of the witnesses whose statements purported to be under Section 161 Cr.P.C. have been recorded cannot be assessed at this stage. The arguments of the learned counsel for the petitioners regarding false involvement of the petitioners on the basis of misguided suspicion cannot be accepted at this stage by ignoring the fact that the investigation is still in progress and steps are being taken to gather the material regarding the involvement of the petitioners. The grant of pre-arrest bail to the petitioners, at this stage, will not be appropriate. No extraordinary exceptional circumstances exist to grant the concession of pre-arrest bail to the petitioners.

Dismissed at this stage without prejudice to the rights of the petitioners to approach this court again on completion of the investigation and without prejudice to the rights of the petitioners to seek the concession of regular bail in accordance with law, as the case may be.

March 11 ,2016
TSM

(M.M.S.BEDI)
JUDGE