

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

CRM-M-20446 of 2017

Date of decision: 26.7.2017

Prem Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr. R.V.S. Chugh, Advocate
for the petitioner.

Ms.Jaspreet Kaur, AAG, Punjab.

Mr.P.S. Sekhon, Advocate
for the complainant.

H.S. MADAAN, J.

The instant petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by petitioner – Prem Singh, an accused in cross case DDR No.19 dated 21.4.2017 for offences under Sections 307, 341, 148, 149, 427 of IPC and Section 25, 27 of the Arms Act, registered with Police Station Jhunir, District Mansa.

Briefly stated, the allegations as per prosecution case are that on 19.4.2017, Gural Singh son of Mishra Singh of Jat Community, resident of village Jhanduke, aged about 25 years had gone to Jhunir in

connection with some personal work; that he had met with his friends Satnam Singh son of Jagdev Singh, resident of Lakhmirwala and Raj Bhupinder @ Sewak Singh son of Bharpur Singh, resident of Baran there and they spent time together; that at about 8:30 p.m., when Gurpal Singh along with his friends Satnam Singh and Raj Bhupinder @ Sewak Singh were going in Swift car bearing registration No.HR-99VK-1410 of Sewak Singh to drop Satnam Singh at his village Lakhmirwala and when the car was going through street of village Khiali Chehlawali, then an Innova car which was parked on the front side flashed the headlights while going ahead of the Swift car; that it came out that Kala Danewalia was driving the Innova car, whereas Bobby Jain resident of Sardulgarh was sitting on the front seat; that the driver of the Swift car diverted the car towards *kacha* path leading towards east, then the Innova car which was parked on the front side, started following it and when the Swift car was a little short of main gate of Solar Plant on the kacha passage, then from the side of Jhunir came a vehicle and while turning from *kacha* passage struck into the Swift car. Then Prem Singh, Ex-Sarpanch village Khiali Chehlanwali armed with a pistol, his son Sukhwinder Singh armed with baseball bat, brother Tarsem Singh armed with baseball bat alighted from the Indica car. Gurpal Singh, Satnam Singh and Raj Bhupinder came out of their Swift car and started running to save their lives, then from Innova car Kala Singh Danewalia armed with 12 bore gun, Bohar Singh son of Major Singh, resident of Jhanda Kalan armed with a pistol, Jatinder Jain @ Bobby Jain, resident of Sardulgarg and 2-3 other unidentified persons alighted from Innova car and all of them intercepted Gurpal Singh, Raj Bhupinder

@ Sewak Singh and Satnam Singh. Jatinder @ Bobby Jain raised a *lalkara* that complainant side should be taught a lesson for opposing Bhundar Singh during the polling. Then at the asking of Bobby Jain, Prem Singh Ex-Sarpanch fired a shot from his pistol aiming at Satnam Singh with an intention to kill and the bullet hit him on his left leg. Then Balwinder Ram @ Bhinda fired a shot from his pistol towards Gurpal Singh with the intention to kill which hit on left side of abdomen. At that very time, Bohar Singh fired a straight shot from his revolver with an intention to kill which hit Gurpal Singh on right side of his head. Tarsem Singh, his nephew Sukhwinder Singh and Binder Singh resident of Sahenwali had damaged the rear glass-pan of the car of Sewak Singh with blows of baseball bat. The accused were firing from their respective weapons. Gurpal Singh and his friends saved their lives by of the car. They raised alarm at which all the accused ran away along with their respective weapons. The motive for the incident was that during the polling, the complainant side had opposed Bhunder and due to that grudge, accused in connivance with each other had caused injuries to them.

Apprehending his arrest in this case, the petitioner has filed a petition for pre-arrest bail in this Court. He had filed a similar petition in the Court of Sessions earlier but the same was dismissed by Additional Sessions Judge, Mansa vide order dated 22.5.2017.

I have heard learned counsel for the petitioner, learned State counsel and learned counsel for the complainant besides going through the record.

Learned counsel for the petitioner stated that present petitioner is complainant in the main FIR inasmuch as he has suffered six injuries in the incident, whereas his son Sukhwinder Singh had died as a result of gun shot injury attributed to Sewak Singh, therefore, the petitioner – Prem Singh, who is ready and willing to join the investigation be granted pre-arrest bail as one of the accused namely Tarsem has been granted interim bail by this Court.

On the other hand, learned State counsel argued that allegations against the petitioner are very serious and recovery of pistol which was unlicensed weapon used in the incident is to be effected from him.

After hearing the rival contentions of the learned counsel for the parties, I find that there is no merit in the instant petition for grant of pre-arrest bail. No doubt the petitioner himself had suffered as many as six injuries in the incident and had lost his son Sukhwinder Singh due to gun shot injury but then it has to be kept in mind that as per the counter version recorded on the basis of statement of Gurpal Singh, petitioner – Prem Singh was armed with a pistol which he had used in the incident by firing shots therefrom. It is alleged that Prem Singh had fired a shot from his pistol on the person of Satnam Singh with an intention to kill hitting him on left leg. There was free use of firearms by his co-accused as per allegations in the DDR. The allegations against him are quite grave and serious. His custodial interrogation is required to effect the recovery of pistol, more particularly when it is stated to be an unlicensed weapon and further to elicit information as regards under what circumstances, the

petitioner and his co-accused had planned the incident and from where they had procured the firearms. Admittedly, custodial interrogation is more elicitation oriented since a person, who is couched in comparative safety of pre-arrest bail would certainly not disclose all the facts within his knowledge, which would be inculpatory for him. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely, which is not called for.

Thus finding no merit in the petition, the same stands dismissed.

26.7.2017
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No