

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

CRM-M-11653-2018

Date of decision:-6.4.2018

Kewal Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.Prashant Vashisth, Advocate
for the petitioner.

Mr.Ramandeep Sandhu, Sr.D.A.G., Punjab.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Kewal Singh, an accused in FIR No.27 dated 19.1.2018, under Sections 399, 402, 171 IPC (later on Sections 379, 411 and 473 IPC read with Sections 25 and 27 of Arms Act were added), registered with Police Station Sadar, Ludhiana-City.

Briefly stated, facts of the case as per prosecution story are that the FIR was recorded on the basis of secret information that accused

Jaswant Singh @ Pradhan, Dalvinder Singh @ Lalli, Jagpreet Singh @ Mani, Surinder Singh, Ranjit Singh, Gurmeet Kaur and Nikka were habitual of committing crime of snatching and extortion while wearing police uniforms and they are engaged in blackmailing and cheating also and on 19.1.2018 they were present in an uninhabited plot near canal in the area of village Sangewal planning to commit crime and further they were having illegal arms and ammunitions. The police party accordingly conducted raid at the disclosed place. Jaswant Singh @ Pradhan, Dalvinder Singh @ Lalli, Jagpreet Singh @ Mani, Ranjit Singh and Gurmeet Kaur were caught red handed and a pistol of .315 bore, toy pistol, sticks and a motorcycle etc. were recovered from them. After registration of the FIR, the matter was investigated.

Apprehending his arrest in this case, the petitioner had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application. However, his such request was declined by learned Additional Sessions Judge, Ludhiana vide order dated 13.3.2018. As such, the petitioner has approached this Court asking for similar relief.

Notice of the petition was given to respondent – State, which put in appearance through counsel.

I have heard learned counsel for the parties besides going through the records.

The contentions of learned counsel for the petitioner have been that the petitioner is being wrongly dragged in the present case; his actual name is Kewal Singh son of Sukhdev Singh, resident of Gali No.6, Gobind Nagar, Police Station Daba, Ludhiana, however, he is being attached with the person mentioned as Nikka in the FIR; the petitioner has

nothing to do with any such crime, therefore, he be granted pre-arrest bail.

Whereas, this request is being opposed vehemently by the learned State counsel contending that petitioner is none-else but same person having pet name of Nikka and he is denying the same to escape his arrest and prosecution. His custodial interrogation is required. He cannot take advantage of a fact that he managed to run away from the spot when the police party had conducted raid there, therefore, his request for pre-arrest bail be dismissed.

After hearing the rival contentions, I find that the allegations against the petitioner are very serious and grave. Pre-arrest bail is such a relief which is to be granted in exceptional circumstances and not in routine. If the petitioner has nothing to do with the present case then why he was so apprehensive and approached the Court for grant of pre-arrest bail. The very fact that he is habitual of committing crime goes to show that he is none-else but the person referred to as by nick name as Nikka.

In case of *State represented by the C.B.I. Versus Anil Sharma, 1997(4) R.C.R.(Criminal) 268*, Hon'ble Apex Court had observed that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is on anticipatory bail, in a case like this interrogation of suspected person is of tremendous advantage in getting useful informations.

Custodial interrogation of the petitioner is definitely required for complete and effective investigation. 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.

6.4.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No