

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

CRM-M-12267-2018

Date of decision:-30.4.2018

Shamsher Singh @ Shera

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.Vipin Mahajan, 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 – Shamsher Singh @ Shera, an accused in FIR No.84 dated 18.11.2017, under Sections 452, 324, 326, 323, 295, 148, 149 IPC, registered at Police Station Tibber, District Gurdaspur.

Briefly stated, the facts of the case as per prosecution story are that on 18.11.2017 at about 2:45 p.m. while the complainant Malook Singh, aged 60 years was standing in front of the gate of his house situated at village Babehali, then Shamsher Singh @ Shera (present petitioner), Kamaljit Singh @ Kamla, Ramandeep Singh @ Romi and Goli armed with datars along with Atla Devi came there; Atla Devi raised

a lalkara, dislodged turban of the complainant besides snatching his Gatra Kirpan (small sword); the complainant was terrified and he went inside his house; the assailants followed him. Shamsheer Singh @ Shera gave a datar blow to complainant hitting him on little finger of his left hand, as a result the same got amputated and fell on the ground; Kamaljit Singh @ Kamla gave datar blow to complainant hitting him on the middle finger of his right hand; the complainant raised an alarm, which attracted his son Rajpantpreet Singh; Ramanpreet Singh @ Romi gave two datar blows to Rajpantpreet Singh hitting him on his waist; Goli hit Rajpantpreet Singh with datar from reverse side causing injury on the elbow of his left arm; when several people gathered, the assailants ran away from the spot along with their respective weapons raising lalkaras. The motive for the fight was that on 17.11.2017 those assailants were taking intoxicating substances while sitting at motor room of the complainant and when the complainant had objected to that, they got angry and caused injuries to him. The injured was taken to hospital, where he was medically treated and medico legally examined. The police came there and recorded statement of complainant, which formed basis for registration of formal FIR.

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, Gurdaspur vide order dated 20.2.2018. 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 and I do not find any merit in the present petition.

Pre arrest bail is a discretionary relief and is to be granted in exceptional cases and not in routine. It is meant to save the innocent persons from harassment and inconvenience and not to screen the culprits from custodial interrogation. The allegations against the petitioner are very grave and serious of he along with his co-accused trespassing in the house of complainant carrying dangerous weapons and he by means of datar chopped off a part of little finger of the left hand of complainant, in that way main injury is attributed to the petitioner.

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

30.4.2018

Brij

Whether reasoned/speaking

:

Yes/No

Whether reportable

:

Yes/No

(H.S.MADAAN)

JUDGE