

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 13173 of 2018 (O&M)

Date of decision : 25.5.2018

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Mandeep Singh @ Manna

.....Petitioner

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Rahul Bhargava, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

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H. S. Madaan, J.

This petition for pre-arrest bail has been filed by petitioner Mandeep Singh @ Manna, being an accused in FIR No. 139 dated 2.9.2017 for offences under Sections 186, 353, 323, 506, 149 IPC registered at Police Station Division B, District Amritsar City.

Briefly stated, facts of the case, as per the prosecution story are that on 1.9.2017, at about 11.30 P.M., a Police Party headed by ASI Avtar Singh was present at drain in the area of East Mohan Nagar, Amritsar, in connection with a dispute between some person. There ASI Avtar Singh received a secret information that liquor was being served to the public at Kaka Chicken Corner. The police officials went there. It was found that a person was having a bottle of

'Imperial Blue' whisky and another person having a bottle of Hayward 5000 beer. A few other persons were taking liquor in the premises of Kaka Chicken Corner. On seeking the Police officials, those persons tried to run away but one of the person was apprehended who disclosed his name as Gurpreet Singh. A bottle of 'Imperial Blue' whisky was recovered. While ASI Avtar Singh was busy in connection with investigation, he heard some noise coming from the side of Karan Palace. He rushed there and found that Mandeep Singh @ Manna who had run away from the spot was abusing Constable Harmanjot Singh. Mandeep Singh @ Manna brought a base ball bat from his car and hit Constable Harmanjot Singh therewith. When ASI Avtar Singh tried to stop Mandeep Singh @ Manna, he gave a blow with base ball bat to ASI Avtar Singh and pulled his name plate. As a result badge was removed and right pocket of the shirt was torn. Mandeep Singh @ Manna, bit ASI Avtar Singh with his teeth and thereafter ran away from the spot. Thereafter two men and women came there on motorcycles and asked ASI Avtar Singh to release the second person namely, Joginder singh. They had an altercation with him and other police officials but could not manage to get Joginder Singh released.

Formal FIR was registered on the basis of statement of ASI Avtar Singh. Apprehending his arrest, petitioner Mandeep Singh @ Manna had moved a petition for pre-arrest bail before the Court of Sessions, which was marked to Additional Sessions Judge, Amritsar, which was dismissed vide order dated 5.3.2018, as such he has filed the present petition for grant of similar relief which is being resisted

by the State counsel.

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

Pre-arrest bail is a discretionary relief which is to be granted in exceptional circumstances 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 too grave and serious to grant him benefit of pre-arrest bail. He not only ran away from the custody of the police officials but also attacked the Police Officer and the police official on duty causing damage to the uniform of ASI Avtar Singh. His custodial interrogation is required for complete and effective investigation of the case and in case the same 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. In the 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 information.

Further more the conduct of the petitioner is such that bars him from seeking anticipatory bail. Though he was granted interim bail, with a direction to join the investigation but as stated by the State counsel, he has not rendered full cooperation and has not

disclosed the complete facts within his knowledge. Recovery of car used by him in the incident is also to be effected.

Thus the petition is doomed for failure and is dismissed as such.

25.5.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No