

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

CRM-M-17302-2018

Date of decision:- 18.5.2018

Dara Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.Amit Arora, Advocate
for the petitioner.

Mr.C.L. Pawar, 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 - Dara Singh, an accused in FIR No.39 dated 14.2.2018 under Sections 326, 325, 324, 323, 452, 148 and 149 IPC, registered at Police Station Sadar, Tarn Taran, District Tarn Taran.

Briefly stated, the facts of the case as per prosecution version are that on 11.1.2018 at about 8:30 a.m. when complainant Tarsem Singh, resident of village Daleke aged about 42 years along with his wife Kailash Kaur was present in their house then Gurmeet Singh son of Dara Singh

armed with a dang, Lakhbir Singh son of Dara Singh armed with a dang, Dara Singh son of Feela Singh armed with a knife, Gurpreet Singh son of Dara armed with a datar and Dalbir Kaur @ Bindo wife of Dara Singh trespassed in the house of complainant and on lalkara being raised by Dalbir Kaur @ Bindo that Tarsem Singh should be caught hold of and taught a lesson for illegally occupying their plot; that Gurmeet Singh gave a dang blow to the complainant hitting him on little finger of right hand, Lakhbir Singh gave a dang blow to the complainant hitting him on elbow of right hand; that when Kailash Kaur wife of complainant intervened then Dara Singh gave a knife blow to her hitting back side of her head; that the complainant and his wife Kailash Kaur raised a hue and cry, on hearing that Gurpal Singh son of Savinder Singh and his mother Dalbir Kaur arrived at the spot, then Gurpreet Singh armed with a datar gave blow to Gurpal Singh hitting him on back side of the head; that Dara Singh gave repeated four blows of knife to Dalbir Kaur hitting her on right side of nose, eye-brow of left eye, above the left ear and below the left ear; that Lakhbir Kaur gave blow of the lower portion of the dang upon the right arm of Dalbir Kaur, which hit little above of her right wrist; that thereafter the assailants ran away from the spot. Formal FIR was registered on the statement of complainant Tarsem Singh.

On 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. His such application had been assigned to learned Additional Sessions Judge, Tarn Taran, who vide order dated 13.4.2018 dismissed the same, as such the petitioner has

approached this Court asking for the 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 record.

The allegations against the petitioner are very serious of while being armed with knife causing injuries to womenfolk i.e. Kailash Kaur on backside of her head, a vital party, then causing four injuries to Dalbir Kaur on vital parts, one of those injuries being declared to be grievous in nature. Not only he was armed with a dangerous weapon but it has to be noted that he had repeated the blows and things are to be taken with all seriousness for the reason that he had attacked the womenfolk and one of the injuries on the person of Dalbir Kaur found to be grievous in nature.

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 oriented 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. The recovery of weapon is yet to be effected from the petitioner. 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.

18.5.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No