

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1) CRM-M No. 2426 of 2018 (O&M)
Date of decision : 16.5.2018

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Gagandeep Singh @ Juj

.....Petitioner

vs.

State of Punjab

.....Respondent

2) CRM-M No. 27 of 2018 (O&M)

...

Gurkirat Singh

.....Petitioner

vs.

State of Punjab

.....Respondent

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

Present: Mr. K.B. Raheja, Advocate
for the petitioner in CRM-M-2426-2018

Mr. S.P.S. Sidhu, Advocate
for the petitioner in CRM-M-27-2018

Mr. Saurav Khurana, Deputy Advocate General,
Punjab

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H. S. Madaan, J.

Vide this order I shall dispose of two petitions bearing
CRM-M-2426-2018 titled as Gagandeep Singh @ Juj vs. State of

Punjab and CRM-M-27-2018 titled as Gurkirat Singh vs. State of Punjab, as both these petitions have arisen out of the same FIR.

Both these petitions for anticipatory bail have been filed by petitioners Gagandeep Singh @ Juj and Gurkirat Singh, being accused in FIR No. 162 dated 24.10.2017, for offences under Sections 382, 384, 212, 216, 482, 120-B IPC and Section 25 of the Arms Act, registered at police Station Kulgrahi, District Ferozepur.

Briefly stated, facts of the case as per prosecution story are that on 24.10.2017, when a Police Party from Kulgrahi, on official duty was present near main gate of Gurdwara Wazidpur, Inspector Avtar Singh, heading the Police Party, received a secret information that Jarnail Singh s/o Hakam Singh, r/o Haziwala, Gurkirat Singh s/o Baldev Singh, r/o Nikanwali, Harjinder Singh @ Vicky Gaunder, Prem Singh @ Prema Lahoria, Gagandeep Singh @ Judge, r/o Baba Ram Dev Nagar, Ferozepur City, Mandeep Kaur w/o Gurpreet Singh Sekhon r/o Mudki, Mandeep Singh r/o Bagta had formed a gang and they were engaged in crime of extracting ransom amounts from the general public by threatening them to commit murders, besides indulging in snatching of vehicles and using the same by putting forged number plates; that they were having illegal weapons; that Vicky Gaunder and Prema Lahoria had already been declared as proclaimed offenders by various Courts, whereas Jarnail Singh and Gurkirat Singh had been giving them shelter and committing criminal offences with their connivance. On that day, all of them were coming towards Ferozepur City to commit some big crime and they were travelling in different cars having forged number plates, armed

with deadly weapons and if a naka was laid, they could be apprehended; that Ramandeep Singh @ Romi r/o Bangi Kalan was a proclaimed offender in many cases residing in Hong Kong and he was in touch with such miscreants named by the secret informer. Inspector Avtar Singh accordingly sent a ruqa for registration of FIR.

Apprehending their arrest, the petitioners had approached the Court of Sessions, for grant of pre-arrest bail, however, they were unsuccessful there, and as such they have knocked at the door of this Court by way of filing present petitions seeking pre-arrest bail, which request is being opposed by the State counsel.

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

Pre-arrest bail is a discretionary relief, which is to be granted in very rare cases to avoid harassment and inconvenience to the innocent persons and not in routine to screen the culprits from custodial interrogation.

Both the petitioners are specifically named in the FIR with serious allegations of being active members of a gang indulging in crimes of various types of very serious nature. Both the petitioners have joined the investigation during the period of interim bail granted to them but as stated by the State counsel, they have not come out with complete information within their knowledge.

Custodial interrogation of the petitioners is necessary for complete and effective investigation of the case. In case custodial interrogation of the petitioners 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.

Finding no merit in the petitions, the same stand dismissed.

16.5.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No