

CRM-M-31107-2017 &

CRM-M-35382-2017

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

1. CRM-M-31107-2017

Daljinder Singh and another

..... Petitioners

Versus

State of Haryana

..... Respondent

2. CRM-M-35382-2017

Baljinder Singh and another

..... Petitioners

Versus

State of Haryana

..... Respondent

Date of decision :-8.1.2018

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

Present : Mr.Rajesh Bansal, Advocate
for the petitioner(s) in both petitions.

Mr.Gaurav Bansal, AAG, Haryana.

H.S. MADAAN, J.

Vide this order, I shall dispose of two petitions for grant of pre-arrest bail i.e. **CRM-M-31107-2017** filed by petitioners Daljinder Singh and

Saravjeet Singh and CRM-M-35382-2017 filed by petitioners Baljinder Singh and Jasbir Singh, all of them being accused in FIR No.122 dated 1.8.2017, under Sections 148, 149, 307, 332, 353, 506 IPC, registered with Police Station Saha, District Ambala.

Briefly stated, facts of the case as per prosecution story are that Gurmukh Singh father of petitioner/accused Daljinder Singh had entered into an agreement to sell 6 acres of land with Gurcharan Singh, father of the complainant in the year 1994; that a suit of specific performance had been filed by said Gurcharan Singh against Gurmukh Singh, which was decreed by the trial Court; that appeal preferred against the said judgement had been dismissed and execution petition was filed in the trial Court wherein warrants of possession were issued and possession of the land was delivered to complainant through Court; that the complainant had applied for tube-well connection, which was sanctioned to him; that on 1.8.2017, officials from Electricity Board including Sh.Sunil Kumar, J.E. had come to the fields of complainant to release electricity connection; that in the meantime, accused Baljinder Singh armed with a sword, Daljinder Singh armed with firearm, Gurmukh Singh having *danda*, Ranjit Singh armed with 12 bore gun, Darshan Singh having *lathi*, Saravjit Singh having 12 bore gun, Harpreet Singh armed with sword, Jasbir having *danda* and other persons came there and attacked upon the complainant and his family; that Saravjit Singh and Ranjit Singh fired upon the complainant but he was somehow saved; that thereafter accused caused injuries to Harjit and Goldi, both sons of complainant; that the police had also arrived at the spot and attempted to

stop the accused from causing injuries to the complainant side but to no effect; that in self-defence, the complainant fired upon the accused persons; that a day prior to the incident, accused had attacked the complainant regarding which an FIR was registered against them; that the accused had also threatened and obstructed Sh.Sunil Kumar, J.E. from performing his duty. After registration of the FIR, when the case was investigated, live and empty cartridge shells were found from the spot.

Apprehending their arrest in this case, petitioners/accused had approached the Court of Sessions seeking grant of pre-arrest bail but their such applications were dismissed by the Court learned Additional Sessions Judge, Ambala vide orders dated 18.8.2017 and 13.9.2017. As such, they have approached this Court asking for similar relief by way of filing separate petitions.

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

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

Though the petitioners were granted interim bail observing that petitioners would join the investigation as and when directed by the Investigating Officer and would bind by the terms and conditions laid down under Section 438(2) Cr.P.C., however, as stated by learned State counsel the petitioners have joined the investigation but no recovery of weapons or car used in the incident has been got effected by them. Here is a case where the complainant having won the litigation up to the level of the Apex Court

and having got possession in a legal manner is being harassed and attacked by the petitioners/accused, which goes to show that they do not have any respect for the law of land. Though none from the complainant side is shown to have suffered any grievous injury and two persons from the accused side are said to have received multiple injuries but that does not improve the case of the petitioners. The complainant side had a right to protect their lives and properties and while exercising right of self-defence in case some injuries were caused to some of the aggressors that does not amount to any offence. In the fight, the officials of Electricity Board, who are on duty are said to have been obstructed from discharging their official duty and roughed up also. These things cannot be taken lightly lest that should result in law and order situation in the region. The petitioners are shown to have a criminal record also. Petitioner Daljinder Singh is said to be involved in five more criminal cases having details below:

- (i) FIR No.172/15, under Sections 147/149/447 IPC, P.S. Saha.
- (ii) FIR No.90/14, under Sections 25 of Arms Act, P.S. Yamunanagar.
- (iii) FIR No.71/12, under Sections 329/34 IPC, P.S. City, Yamunanagar.
- (iv) FIR No.27/12, under Sections 379/473 IPC, P.S. Laldu.
- (v) FIR No.30/12, under Sections 392/394/420 IPC and 25 of Arms Act, P.S. Bilaspur.

Pre-arrest bail is such a relief which is to be granted in exceptional circumstances and not in routine. It is well settled that custodial interrogation is more elicitation oriented since a person, who is couched in comparative safety of pre-arrest bail would certainly not disclose all the

facts within his knowledge which would be inculpatory for him. 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.

Finding no merits in the petitions, the same are dismissed.

(H.S. MADAAN)
JUDGE

8.1.2018
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1. Whether reportable? No
2. Whether speaking / reasoned? Yes