

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

1. CRM-M-3856-2018

Harwinder Singh and another

..... Petitioners

Versus

State of Punjab

..... Respondent

2. CRM-M-3528-2018

Ranjit Singh alias Raja

..... Petitioner

Versus

State of Punjab

..... Respondent

Date of decision :-8.2.2018

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

Present : Mr.A.K. Khunger, Advocate
for the petitioners.

Mr.Ramandeep Sandhu, Sr.D.A.G., Punjab.

Mr.Triptjeet Singh Sidhu, Advocate
for the complainant.

H.S. MADAAN, J.

Vide this order, I shall dispose of two petitions for grant of pre-arrest bail i.e. **CRM-M-3856-2018** filed by petitioners - Harwinder Singh and Jaswinder Singh and **CRM-M-3528-2018** filed by petitioner Ranjit Singh @ Raja, all of them being accused in FIR No.156 dated 2.12.2017,

under Sections 307, 148, 149 IPC and Section 25 and 27 of Arms Act, registered with Police Station Phool, District Bathinda.

Briefly stated, facts of the case as per prosecution story are that the FIR in question was registered on the basis of statement of complainant Kuldeep Singh son of Sukhdev Singh, resident of Bhai Rupa, aged about 29 years, an agriculturist by avocation, who *inter alia* stated that he along with Jaskaran Singh son of Naib Singh of his village was present in the marriage function of sister of Baljeet Singh son of Gurmel Singh, resident of village Bhai Rupa being organized at Maharaja Palace, Bhai Rupa; that there he received a call on his mobile phone from Jagjeevan Singh son of Pritam Singh, resident of his village that Ranjit Singh @ Raja while being near his *kothi*, opposite Sunrise Public School by giving a signal by moving his 12 bore rifle had asked him to come to the land as they were to cultivate the same, then complainant along with Sukhdeep Singh alias Kuku son of Sukhdev Singh, Mandeep Singh son of Raghvir Singh, Jaskaran Singh son of Naib Singh, all residents of village Bhai Rupa reached near the land; that Jagjeevan Singh son of Pritam Singh also reached at the spot; that Jagjeevan Singh stopped his tractor on the passage and came towards the complainant and the persons accompanying him; that the time was about 5:30 p.m.; that when Jagjeevan Singh was about to turn his tractor towards his land, then Ranjit Singh alias Raja son of Balwant Singh, his brothers Kala and Jodhi Singh, all of them having 12 bore guns, son of Jodhi namely Jaskirat having dang, Jeet Singh, Ex.Panch having dang, Buta Singh having a dang in his hand along with 10-12 unidentified persons having dangs and sticks came

there; that Jeet Singh Ex.Panch raised a *lalkara* that they should not survive on that day; on hearing that Ranjit Singh fired a shot at complainant with intention to kill him, which hit the complainant on his chest and legs; that thereafter Kala also fired a shot at Jaskaran Singh with intention to kill him hitting him on both of his legs as well as on the right shoulder; that Jodhi fired a shot from his gun hitting Jagjeevan Singh on his legs; that the other persons kept raising lalkaras; that the complainant and other persons came out from the fields out of fear. The injured were removed to Civil Hospital Rampura, where they were treated and statement of complainant was recorded. FIR was registered.

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, Bathinda. 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 respondents, who put in appearance through counsel.

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

Learned counsel for the petitioners has contended that petitioners had a right of self defence since it were the complainant and his companions, who had trespassed in the land of the accused side and further there is a cross version in which Ranjit Singh had also suffered injuries,

therefore, pre-arrest bail be granted to the petitioners.

Whereas, learned State counsel assisted by learned counsel of the complainant states that as a result of investigation carried out, it has come out that complainant side was not armed with weapons and no injuries were caused by them to Ranjit Singh, rather cross version has been cancelled and custodial interrogation of the petitioners is required to effect the recovery of weapons and to know the circumstances under which the incident was planned and executed.

After hearing the rival contentions, I find that as the cross version is stated to have been cancelled and investigation in the case reveals that the complainant side was not having any weapons, at this stage it would be very difficult to presume that the petitioners had any right of self-defence, though they can take this plea during the trial and may be able to prove that. But as the things stand the action of the petitioners in using firearms in the incident in the process causing injuries to the complainant and Jaskaran Singh cannot be justified.

The custodial interrogation of the petitioners appears to be necessary for complete and effective investigation. 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 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 merits in the petitions, the same stand dismissed.

8.2.2018
Brij

(H.S. MADAAN)
JUDGE

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