

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

CRM M-41684 of 2017

Date of decision : 07.03.2018

Gursewak Singh

....Petitioner

V/s

State of Punjab

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Deepak Aggarwal, Advocate for the petitioner.

Mr. A.A. Pathak, Additional A.G. Punjab.

RAJAN GUPTA J.

Petitioner seeks concession of pre-arrest bail in a case registered against him under sections 302, 364, 341, 186, 120-B, 148 & 149 IPC vide FIR No. 136 dated 08.06.2017 at police station Talwandi Sabo, district Bathinda. It has been urged before the court that petitioner has been falsely implicated in the case. According to learned counsel, name of the petitioner did not figure in the FIR. He, thus, deserves the concession of bail. Plea has vehemently been opposed by learned State counsel. According to him, in the dying declaration, deceased has specifically named the petitioner as an accused.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

FIR was lodged on the basis of complaint of Vinod Kumar Monu. He alleged that on 08.06.2017 while he was returning home, he was accosted by Raju Sarpanch, Gursewak Singh and two other unknown

persons armed with revolver and gandasa. Accused-Raju Singh gave a gandasa blow which hit him on his right leg and left arm and he fell down. All the accused with the intention to kill him inflicted injuries. Thereafter, they took him in a Scropio vehicle and threw him in Bhagi Patti in village Bhagi Bander. When the police reached the spot he was admitted at Civil hospital, Talwandi Sabo from where he was referred to Civil hospital, Bathinda and then to Guru Gobind Singh Medical College, Faridkot. He, however, later succumbed to his injuries. Pursuant to FIR, investigation ensued. It appears that name of the petitioner figured in the dying declaration suffered by the deceased while he was admitted in the hospital. He has specifically named the petitioner as an accused. It is evident that though interim bail was granted by coordinate Bench of this court and petitioner did join investigation, but same could not make much headway. It was held by Apex court in judgment reported as *CBI vs. Anil Sharma 1997 SCC (Cr.) 1039* that custodial interrogation is more elicitation oriented and accused is unlikely to cooperate when armed with a protective order.

Under the circumstances, I find no merit in the petition. Same is hereby dismissed.

March 07, 2018

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No