

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

CRM-M No. 44877 of 2017

DATE OF DECISION :- January 29, 2018

Dhira Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

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

Present:- Mr. Ranjodh Singh Sidhu, Advocate for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

This petition for pre arrest bail had been filed by Dhira Singh and Veer Singh, an accused in F.I.R. No. 90 dated 18.7.2017 under Sections 323, 324, 326, 341, 307, 148, 149 IPC and 25, 27, 54 and 59 of the Arms Act registered with Police Station Goindwal Sahib, District Tarn Taran.

Petition filed on behalf of petitioner no. 2 Dhira Singh has already been withdrawn vide order dated 7.12.2017.

Briefly sated the facts of the case as per prosecution story are that on 10.7.2017 at about 11.30 P.M., Gurdawar Singh armed with Dang, his son Kulbir Singh armed with pistol, Pardarth Singh son of Surta Singh armed with daang, Taranbir Singh son of Pardarth Singh armed with daang, Dhira Singh son of Gura Singh armed with Gandasi, Veer Singh son of Dhira Singh armed with Kirpan, Paramjit Singh son of Sudagar Singh armed with Kirpan, Dilbagh son of Amar Singh armed with .12 Double Barrel gun attacked complainant Sarabjit Singh, Dilbagh Singh son of Milkha Singh

and Harpal Singh son of Santokh Singh. Kulbir Singh had fired two shots from his pistol but none was hurt. Tarunveer Singh spotted complainant and the persons going along with him carrying Dang. Dhira Singh gave a gandasi blow to the complainant and the handle hit his right leg below the knee. Dilbagh Singh fired gun shot towards complainant hitting him on calf of right leg. Veer Singh inflicted injuries on the person of Harpal Singh. Paramjit Singh inflicted injuries on the person of Dilbagh Singh with their respective weapons.

Formal F.I.R. was registered on the basis of complaint made by Sarabjit Singh. Apprehending his arrest, Veer Singh had approached the Court of Sessions Judge seeking pre arrest bail but was unsuccessful there and as such he has approached this Court seeking similar relief. This petition is being opposed by learned State counsel.

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

Learned counsel for the petitioner has contended that petitioner has since joined the investigation and recovery has been effected from him. Further more there is a delay in lodging of the report with the police and remaining co-accused have been granted bail.

Whereas, learned State counsel has contended that injury attributed to Veer Singh which was caused to Harpal Singh victim has been declared to be grievous in nature. Although the petitioner has joined the investigation, the Kirpan used in the incident has not been recovered, therefore, his custodial interrogation is necessary for complete and effective investigation.

After hearing the rival contentions, I find that since one of the injury attributed to petitioner Veer Singh is grievous in nature and recovery of Kirpan used in the incident is yet to be effected, therefore, custodial interrogation is necessary for complete and effective investigation. Therefore, the petition stands dismissed.

(H.S. MADAAN)
JUDGE

January 29, 2018
p.singh

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No