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

**CRM-M No.50637 of 2018 (O&M)
Date of Decision:.22.11.2018**

Jaswinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. S.K.Agnihotri, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr.DAG, Punjab.

Mr. Sunil Chadha, Sr.Advocate
with Mr. M.S.Atwal, Advocate for complainant.

MAHABIR SINGH SINDHU, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of pre arrest bail to the petitioner in case FIR No.229 dated 05.10.2018, registered under Sections 307, 34, 120-B IPC and 25,27,54 of Arms Act, 1959 registered at Police Station Sadar Ludhiana, District Ludhiana.

It is contended by learned Counsel for the petitioner that neither the petitioner is named in the FIR nor he had any relations with the accused persons. His place was being raided by the police and thus he apprehends his arrest. It is contended that the concession of pre arrest bail may be granted to the petitioner.

On the other hand, learned State Counsel, on instructions from, ASI Ravinder Singh, has opposed the bail application by contending that

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the injured is still not in a fit state of mind to make any statement regarding the offence.

At this stage, question to be decided is that as to whether pre-arrest bail is to be granted or not. The truthfulness of the allegations in the present case is not to be determined by holding a mini trial at this stage rather the same is to be seen with reference to the gravity of the offence. The purpose of pre arrest bail is not to save the offender from custodial interrogation even in a grave case, which may result into the extraction of the important information from his/her mouth. Custodial interrogation of the petitioner in the present case is necessary for proper and effective investigation to know the actual facts and in case the same is denied to the investigating agency, that will leave many loose ends and loopholes, adversely affecting the administration of justice in view of the fact the injured is not fully recovered from the trauma and he is not even fit to make the statement till date.

In view of the above, no ground is made out for grant of anticipatory bail to the petitioner.

Petition is, therefore, dismissed.

The aforesaid observations may not be construed as an expression of opinion on the merits of the case.

22.11.2018

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**(MAHABIR SINGH SINDHU)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>