

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

**CRM-M No. 63 of 2018**  
**DATE OF DECISION :- February 20, 2018**

**Harjinder Singh** **...Petitioner**

**Versus**

**State of Punjab** **...Respondent**

**CRM-M No. 64 of 2018**

**Jagwinder Singh and another** **...Petitioners**

**Versus**

**State of Punjab** **...Respondent**

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

**Present:-** Mr. Sandeep Singh Majithia, Advocate for the petitioner(s).

Mr. Saurav Khurana, DAG, Punjab.

Mr. J.S. Mahal, Advocate for the complainant.

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This order of mine shall dispose of two petitions bearing CRM-M No. 63 of 2018 filed by petitioner Harjinder Singh and CRM-M No. 64 of 2018 filed by Jagwinder Singh and another.

Both the petitions are filed under Section 438 Cr.P.C. for pre arrest bail by petitioners Harjinder Singh, Jagwinder Singh and Bhupinder Singh.

Briefly stated the facts of the case as per prosecution story are that F.I.R. in question was recorded on the basis of statement of complainant Dara Singh son of Harjinder Singh of Prajapati community resident of Baba Fauja Singh Wala Varpal, aged about 27 years in which he stated that he is an agriculturist by avocation. On 24.7.2017 at about 11 P.M., he along with son of his paternal uncle Jiwan Singh and said Jiwan Singh son of Lal Singh had gone to their fields for checking water for the purpose of sowing paddy crop. Since it was dark, he had switched on a torch and he observed that Paramjit Singh @ Pamma son of Karam Singh armed with a Sword, Parminder Singh son of Paramjit Singh armed with a Datar, Lovejit Singh son of Paramjit Singh armed with a Gandasi, Goja Singh son of Hira Singh armed with a double barrel gun 12 bore, Bikka Singh son of Hira Singh armed with a dang and some unknown persons were tilling their land having tractor make Swaraj 960 FE. That Paramjit Singh raised a lalkara (exhortation) asking his co-accused to caught hold of complainant and his other two relatives and to teach them a lesson for sowing paddy in the passage of land. Hearing that Goja Singh fired three shots in the air from his double barrel gun. They kept sowing the paddy crop. The land had been purchased by Rajinder Singh, father of complainant and his brother Jiwan Singh measuring 25 Kanals 6 marlas from Nishan Singh son of Shingara Singh of village Varpal in the year 2004 and since then they had been cultivating this land. Their names are reflected in the Girdawaris and Jamabandi but Paramjeet Singh and his sons Dharminder Singh, Lovedeep Singh and their nephew Goja Singh besides brother-in law-Hira Singh had

fabricated a lease deed with an intention to take forcible possession and had cultivated their land during night and have created terror.

There is a counter version of the incident also recorded on the basis of statement of Hardeep Singh son of Karam Singh resident of Baba Fauja Singh Wala Varpal, who stated that he is a physically handicapped person and as such he stays at home only. On 24.7.2017 at about 11.45 P.M. Dara Singh armed with a 12 bore gun, Harjinder Singh and Sewak Singh armed with Datars, Chamkaur Singh armed with a Sword, Rinku armed with a Gandasi came to the motor of Hardeep Singh and started giving beatings to him throwing something on his leg. Thereafter Dara Singh fired a shot from his gun. The pellets therefrom hit brother of Hardeep Singh namely Paramjit Singh on both of his legs. Lovejit Singh took Hardeep Singh and Paramjit Singh to Civil Hospital, Amritsar, where they were given some treatment and sent back home. Paramjit Singh was admitted in Guru Nanak Dev Hospital, Amritsar on 28.7.2017. According to the counter version such named assailants were being accompanied by 3-4 unknown persons and had fired on Paramjit Singh with an intention to kill him. The motive for the incident was that father of Hardeep Singh namely Karam Singh leased out land measuring 47 kanal 3 marla in the name of Hardeep Singh and Paramjit Singh on 7.10.1999, regarding which civil litigation was pending and stay was there in favour of the complainant.

Petitioners being accused in the counter version apprehended their arrest in this case and they had approached the Court of Sessions seeking pre arrest bail, however, their such request was declined by

Sessions Judge, Amritsar, therefore, they have approached this Court seeking the similar relief. The request is being resisted by the State counsel.

At the very outset it may be mentioned that regarding F.I.R. No. 87 dated 25.7.2017 under Section 336, 427, 447, 551, 148, 149 IPC and Sections 25 and 27 of the Arms Act recorded on the basis of statement of Dara Singh against Paramjit Singh @ Pamma, Dharminder Singh, Lovedeep Singh, Goja Singh and four unknown persons, a cancellation report is said to have been prepared by the police authorities coming to the conclusion that as a matter of fact, no firing had taken place at the spot as alleged by the complainant and allegations levelled by the complainant were not proved. However, the counter version recorded on the basis of statement of Hardeep Singh against Harjinder Singh, Jiwan Singh, Dara Singh, Jagwinder Singh Rinku, Bhupinder Singh alias Chamkaur Singh son of Jiwan Singh is being investigated. Therefore, after investigation version given by Hardeep Singh was found to have substance and is being investigated. The allegations against the petitioners are quite grave and serious which calls for their custodial interrogation for complete and effective investigation. In case such investigation is denied to the investigating agency that would leave many loose ends which is uncalled for. Though in this case petitioner Harjinder Singh had joined the investigation as per directions issued by this Court but as informed by the State counsel, he has not rendered full cooperation disclosing all the facts within his knowledge.

In case of *State represented by the C.B.I. Versus Anil Sharma, 1997(4) R.C.R.(Criminal) 268*. Hon'ble Apex Court had observed

that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is on anticipatory bail, in a case like this interrogation of suspected person is of tremendous advantage in getting useful informations.

Custodial interrogation of the petitioner is definitely required for complete and effective investigation. In case custodial interrogation of the petitioners is denied to the investigating agency that would leave many loose ends and gaps in the investigation effecting the investigation being carried out adversely which is not called for.

Thus finding no merit in the petitions, the same are dismissed.

**(H.S. MADAAN)**  
**JUDGE**

**February 20, 2018**  
*p.singh*

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No