

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 6886 of 2018 (O&M)

Date of decision : 6.3.2018

...

Gurbeant Singh

.....Petitioner

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Hem Raj Bhardwaj, Advocate the petitioner.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

Mr. Sukhmeet Singh, Advocate for

Mr. Jagmeet Singh Brar, Advocate for the complainant.

...

H. S. Madaan, J.

This petition for pre-arrest bail has been filed by Gurbeant Singh, an accused in FIR No. 125 dated 2.12.2017, for offences under Sections 307, 427, 120-B IPC and Sections 25, 27 of Arms Act, registered at Police Station Chhajli, District Sangrur.

Briefly stated, facts of the case are that on 1.12.2017, while complainant Ajaib Singh s/o Bhura Singh of Jat community, resident of Paroj Patti, Chhahar, aged 32 years, alongwith Parminder Singh, Bagga Singh, Jeet Singh, Jagwinder Singh, were travelling in his Balero vehicle No. PB-22-D-0515, returning home. The Balero vehicle was being driven by complainant Ajaib Singh. The Balero vehicle was being followed by a Swift car No. HR-51-AP-0398 of Sukhdev Singh, Panch, having occupants Satwant Singh, Sukhwinder

Singh. Then Gurbeant Siungh @ Karela – present petitioner, made a call to the complainant on his mobile phone stating that he wanted to meet him and he should stop his vehicle. However, the complainant did not do so. When the Balero vehicle of the complainant was a little ahead of bridge over canal Chhahar, then Gurbeant Singh @ Karela, Ladwinder Singh @ Laddi, Gurdeep Singh, all residents of Chhahar P.S. Chhajli alongwith two un-known youngsters, traveling in Verna car No. PB-4143 brought it to a halt in front of Balero vehicle of the complainant. However, the complainant gave a dodge and took his vehicle ahead. While in area adjoining to the school at about 7.30 P.M. Gurbeant Singh @ Karela fired 2-3 shots from the revolver which he was holding in his hand hitting Balero vehicle of the complainant, as well as a little ahead, he fired directly towards the complainant hitting on the bumper of the Balero vehicle on the driver side. Another shot fired by the petitioner struck the front tyre of Balero vehicle on the right side and the tyre got punctured. The complainant and persons going alongwith him entered the house of paternal uncle of the complainant to save their lives. Thereafter the assailants attacked the car with sticks, causing damage to it and while going they came to the house of paternal uncle of the complainant, while following the complainant and persons accompanying him. Petitioner Gurbeant Singh @ Karela and his accomplices while giving abuses fired in the air and went away from the spot. According to the complainant, Gurbeant Singh @ Karela had fired at him with an intention to kill and motive for the incident was earlier dispute/fight between the complainant and Rajinder Singh @ Bitta

resident of his village, regarding giving connection of cable wire and the incident had taken place as a result of conspiracy hatched by Rajinder Singh @ Bitta, who had given his car to the assailants named in the FIR.

Apprehending his arrest, the accused had approached the Court of Sessions, but his petition for pre-arrest bail was dismissed by the Additional Sessions Judge, Sangrur, vide order dated 1.2.2018. Therefore, he has approached this Court with a similar request which is being opposed by the State counsel, as well as, counsel for the complainant.

I have heard learned counsel for the petitioner, learned State counsel, as well as learned counsel for the complainant, besides going through the record.

The pre-arrest bail is a discretionary relief, which is to be granted by the Court in exceptional cases and not in routine. The primary purpose of grant of pre-arrest bail is to protect the innocent persons from unnecessary harassment and inconvenience and not to help the criminals escape custodial interrogation. Furthermore, as observed in authority *State represented by the CBI vs. Anil Sharma, 1997 (4) RCR (Criminal) 268*, custodial interrogation is qualitatively more elicitation oriented 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 information.

In the instant case, the accused is specifically named in the FIR and he is stated to have fired several shots from an illegal

revolver, with an intention to kill the complainant. Such type of criminal acts cannot be taken lightly lest that should encourage the potential criminals to tread the path of crime. The custodial interrogation of the petitioner is required for complete and effective investigation, so as to find out as to how and under what circumstances, the planning of the incident was done and executed. Recovery of the fire arm used in the incident is also required to be effected. If the custodial interrogation is denied to the Investigating Agency, that shall leave many loose ends and gaps, which is uncalled for.

Therefore, finding no merit in the petition, the same stands dismissed.

6.3.2018
chugh

(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No