

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

CRM-M-7655-2018

Date of decision:-17.5.2018

Mukhtiar Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.Rishu Mahajan, Advocate
for the petitioner.

Mr.Saurabh Khurana, DAG, Punjab.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Mukhtiar Singh, an accused in FIR No.62 dated 14.7.2017, under Sections 326, 452, 324, 506, 427, 34 IPC, registered at Police Station Ramdas, Amritsar.

Briefly stated, the facts of the case as per prosecution story are that on 9.7.2017 complainant Sahib Singh along with Jaskaran Singh was returning home on motorcycle, however, on the way they were abused by Puran Singh, Pamma, Sukha Singh and Mukhtiar Singh; that both of them however reached home; that on that very day at about 8:30 p.m., Puran Singh and Mukhtiar Singh armed with datars and Sukha Singh and Pamma empty handed came to the house of Jaskaran Singh; that on a lalkara being raised, Puran Singh gave a datar blow hitting

fingers of left hand of complainant Sahib Singh; that Pamma caught hold of complainant from his hair and dragged him; that Sukha Singh gave kick blows to the complainant; that when Jaskaran Singh tried to intervene, then Mukhtiar Singh gave a datar blow hitting on his right forearm; that Sukha Singh gave fist blows to Jaskaran Singh. Formal FIR was recorded on the basis of statement of Sahib Singh complainant.

Apprehending his arrest in this case, the petitioner had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, however, his such request was declined by learned Sessions Judge, Amritsar vide order dated 1.9.2017. As such, the petitioner has approached this Court asking for the similar relief.

Notice of the petition was given to respondent – State, which put in appearance through counsel.

I have heard learned counsel for the parties besides going through the records and I do not find any merit in the present petition.

The petitioner is specifically named in the FIR. The injury on right forearm of Jaskaran Singh attributed to the present petitioner caused with datar, a sharp edged weapon has been declared to be grievous in nature. Although it is stated that the present FIR is counter-blast to FIR No.43 dated 18.5.2017, under Sections 323, 354, 148, 149 IPC, Police Station Ramdas got recorded by the petitioner but that FIR relates to a period of about two months earlier. According to the State counsel though the petitioner has joined the investigation and weapon of offence has also been recovered but still his custodial interrogation is necessary.

After hearing the rival contentions of learned counsel for the

parties, I find that custodial interrogation of the petitioner is definitely required for complete and effective investigation so as to find out as to under what circumstances the incident was planned and executed. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely which is not called for.

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

17.5.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No