

CRM-M-8754-2018;
CRM-M-12283-2018; and
CRM-M-15057-2018

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

1. CRM-M-8754-2018

Dalbara Singh and another

..... Petitioners

Versus

State of Punjab

..... Respondent

2. CRM-M-12283-2018

Darshan Singh and another

..... Petitioners

Versus

State of Punjab

..... Respondent

3. CRM-M-15057-2018

Billa Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

Date of decision : 28.5.2018

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

Present : Mr.J.P.S. Sarao, Advocate
for the petitioners.

Mr.Saurav Khurana, DAG, Punjab.

H.S. MADAAN, J.

Vide this order, I shall dispose of three petitions for grant of pre-arrest bail i.e. **CRM-M-8754-2018** filed by petitioners Dalbara Singh and Kuldeep Singh, **CRM-M-12283-2018** filed by petitioners Darshan Singh and Amit Kumar @ Meet and **CRM-M-15057-2018** filed by petitioner Billa Singh, all of them being accused in FIR No.173 dated 25.7.2017, under Sections 323, 341, 506, 148, 149 IPC (Offence under Section 308 IPC was added later on on 18.1.2018), registered at Police Station Sadar, District Patiala.

Briefly stated, facts of the case as per prosecution story are that criminal machinery in this case was set into motion by complainant Rajinder Singh son of Mewa Singh, who in the statement made to the police stated that the petitioners along with others armed with dandas, sticks and rods had attacked his uncle Gobind Ram; that when the complainant tried to intervene, he was also assaulted; that Billa Singh had given a rod blow on head of Gobind Ram; that the complainant tried to run away out of fear but was intercepted by the assailants and was caused injuries; that father of the complainant, namely Mewa Singh and another uncle Sita Singh were also

inflicted injuries. The motive for the incident was stated to be dispute with regard to shop between Gobind Ram and Chamkaur Singh. Formal FIR No.173 dated 25.7.2017 for the offences under Sections 323, 341, 506, 148, 149 IPC was registered against the accused, subsequently on receipt of medical opinion from the doctors of PGI, an offence under Section 308 IPC was added.

Apprehending their arrest in this case, petitioners/accused had approached the Court of Sessions seeking grant of pre-arrest bail but their such applications were dismissed by the Court of learned Additional Sessions Judge, Patiala. As such, they have approached this Court asking for similar relief by way of filing separate petitions.

Notice of the petitions was given to the respondent, who put in appearance through counsel.

I have heard learned counsel for the parties besides going through the record.

Petitioner Billa Singh in **CRM-M-15057-2018** is stated to be the main accused, who had caused injury on the head of Gobind Ram with a rod, which was declared to be dangerous to life, in that way, he is the main culprit. The injuries attributed to the remaining petitioners i.e. Dalbara Singh and Kuldeep Singh (**petitioners in CRM-M-8754-2018**) and Darshan Singh and Amit Kumar @ Meet (**petitioners in CRM-M-12283-2018**) are simple in nature. As a matter of fact, no specific injuries have been attributed to them. Although all the petitioners have joined the investigation in terms of the direction issued to them while granting interim bail but as

submitted by the State counsel, petitioner Billa Singh has not rendered full cooperation in the investigation, whereas remaining four petitioners have joined the investigation and no recovery is to be effected from.

As far as contention of learned counsel for the petitioner Billa Singh is concerned that injury had been declared dangerous to life after about six months and Billa Singh had already joined the investigation, therefore, his custodial interrogation is not required, I am not in agreement with learned counsel on that point. Merely because there has been some delay in declaring the injury to be dangerous to life, that does not put a question mark over the authenticity or credibility of that opinion and only because of the reason that Billa Singh has joined the investigation as per direction of the Court does not mean that the necessity for his custodial interrogation has come to an end.

Under the circumstances, the custodial interrogation of petitioner Billa Singh is found to be necessary for complete and effective investigation whereas it is not so regarding the remaining petitioners.

Thus, **CRM-M-15057-2018** filed by petitioner Billa Singh stands dismissed, whereas **CRM-M-8754-2018** filed by petitioners Dalbara Singh and Kuldeep Singh and **CRM-M-12283-2018** filed by petitioners – Darshan Singh and Amit Kumar @ Meet stand allowed. Therefore, the interim bail granted to petitioners **Dalbara Singh and Kuldeep Singh** vide order dated 28.2.2018 and interim bail granted to petitioners **Darshan Singh and Amit Kumar @ Meet** vide order dated 22.3.2018 are made absolute subject to their fulfilling conditions under

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Section 438(2) Cr.P.C.

CRM-M-8754-2018 and **CRM-M-12283-2018** are allowed accordingly.

28.5.2018
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(H.S. MADAAN)
JUDGE

- 1. Whether reportable? **No**
- 2. Whether speaking / reasoned? **Yes**