

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-1167 of 2020 (O&M)

Date of decision : 6.3.2020

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Tarsem Singh

.....Petitioner

vs.

State of Punjab

.....Respondent

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

Present: Mr. A.S. Kler, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

Mr. L.M. Gulati, Advocate for the complainant.

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H. S. Madaan, J. (Oral)

This is a petition for grant of pre-arrest bail by Tarsem Singh, an accused in FIR 24 dated 5.3.2019 for offences under Sections 307, 452, 506, 323, 148, 149 IPC and Section 25 of Arms Act, registered with Police Station Jhabal, District Tarn Taran.

Briefly stated, facts of the case as per the prosecution story are that on 4.3.2019, at about 10.30 p.m., while complainant Pargat Singh aged about 42 years son of Gurdial Singh, resident of Jhamke Khurd, Police Station Jhabal, alongwith his family members were sleeping in their house, somebody called him by his name and knocked at the door. When the complainant opened the door then Balwinder Singh s/o Sohan Singh armed with pistol,

Harinder Singh s/o Sinder Singh, armed with datar, Heera Singh s/o Pargat Singh armed with datar, Tarsem Singh s/o Pishora Singh armed with Pistol and Amrik Singh s/o Angrej Singh empty handed, Pishora Singh s/o Pargat Singh empty handed, forcibly entered the house of Pargat Singh and Pishora Singh and Amrik Singh raised a lalkara that the complainant should be caught hold of and taught a lesson for supporting the case of their daughter. Tarsem Singh fired a shot from his pistol with an intention to kill the complainant, hitting him on his right thigh. Balwinder Singh had fired a shot from his pistol which hit on the iron gate. Harjinder Singh, Pishora Singh, Hira Singh, Amrik Singh had given severe beatings to the complainant. On the statement of such complainant, formal FIR had been registered.

Apprehending his arrest in this case, Tarsem Singh had approached the Court of Sessions at Tarn Taran seeking pre-arrest bail. However, his such prayer was declined by the learned Sessions Judge, Tarn Taran vide order dated 29.10.2019, as such he has approached this Court craving for grant of similar relief, which is being opposed by the State counsel.

Learned counsel for the petitioner has contended that the petitioner does not have any licence for possession of a fire arm and even otherwise sister of Tarsem Singh – petitioner, is the complainant in FIR No. 59 dated 17.3.2018, for offences under Section 376, 511, 323, 506, 34, 120-B IPC, registered at Police

Station Sadar Tarn Taran, in which wife of the present complainant Pargat Singh and his brothers are accused. So this FIR is counter blast to the earlier FIR registered by Amandeep Kaur sister of the Tarsem Singh – petitioner. For such like reasons, false FIR has been recorded against the petitioner and his co-accused. The co-accused of the petitioners, namely, Balwinder Singh, Harinder Singh, Heera Singh, Amrik Singh, and Pishora Singh have been granted pre-arrest bail by this Court vide order of even date. the petitioner is ready and willing to join the investigation. Therefore, he be granted pre-arrest bail.

Whereas this request is being opposed vehemently by the State counsel contending that Tarsem Singh is the main accused, who has caused fire arm injury to the complainant. His custodial interrogation is necessary to effect the recovery of the weapon and to find out about the necessary details of the incident.

After hearing learned counsel for the parties and going through the record, I find that there are grave and serious allegations against the petitioner of causing injury to the complainant with a fire arm. The petitioner may or may not be having licence for possession of fire arm, rather these things go against him that he had fired a shot from illegal weapon. Furthermore, as stated by State counsel, empty shells had been collected from the spot. Custodial interrogation of the petitioner is definitely required for effecting the recovery of weapon and to find

out under what circumstances the incident was planned and executed. If the custodial interrogation of the petitioner is denied to the Investigating Agency, that shall adversely effect the investigation. With regard to the co-accused of the petitioner, which have been granted pre-arrest bail, their role was entirely different and the petitioner comes out to be main culprit.

Finding no merit in the petition, the same stands dismissed.

6.3.2020
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No