

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

CRM-M-2390-2020

Date of decision:-10.2.2020

Debu @ Devender

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr.Baljeet Beniwal, Advocate
for the petitioner.

Ms.Harpreet Kaur, AAG, Haryana.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Debu @ Devender, an accused in FIR No.142 dated 5.4.2018, under Sections 148, 149, 307, 323, 506 IPC and 25 of Arms Act, registered with Police Station Hodal, District Palwal.

Briefly stated, the facts of the case as per the prosecution version are that on 4.4.2018, complainant Yashvir along with Rambir had gone to their fields at village Dadke; the fields of accused Nandan adjoins agricultural land of Rambir; Nandan had sold soil from his fields upto the depth of three feet; he desired to get water passing through fields of Rambir but Rambir did not agree, which gave rise to exchange of hot words between Rambir and Nandan; the complainant intervened in the matter; in the meanwhile, Nandan called his son Debu @ Devender,

Dheeraj, Jai Kishan and several persons to the spot; Dheeraj fired in the air, whereas Debu @ Devender fired a shot at the complainant hitting him under the left lower arm; Jai Kishan fired a shot, which grazed passed the complainant; remaining assailants attacked Rambir and Brijlal with lathis and dandas; the assailants threatened the complainant and other injured and then left the spot; the injured were taken to hospital.

On the basis of statement of complainant Yashvir recorded on 5.4.2018 at Guru Nanak Hospital, Palwal when he was in fit state of mind, formal FIR was recorded.

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 Additional Sessions Judge, Palwal vide order dated 9.1.2020. As such, the petitioner has approached this Court asking for 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.

The allegations against the petitioner are very grave and serious of causing injury to complainant by firing shot from country-made pistol. Pre arrest bail is a discretionary relief and is to be granted in exceptional cases and not in routine. It is meant to save the innocent persons from harassment and inconvenience and not to screen the culprits from custodial interrogation.

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 and to effect the recovery of pistol. 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.

Though it is stated that the matter has been compromised between the parties but then the accused has been booked for various offences including one under Sections 307 IPC and 25 of the Arms Act, which are offences against the State and the society. Furthermore, it is to be taken into consideration that such like accused are to be dealt with all the seriousness, otherwise a message will go around that one can commit a heinous crime and then get away with it easily by way of compromising the matter with the opposite party using money or muscle power or persuasive skill.

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

10.2.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No