

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

CRM-M-11888-2020

Date of decision:-27.5.2020

Kuldeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.Atul Goyal, Advocate
for the petitioner.

Mr. Suveer Sheokhand, Addl. AG Punjab.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Kuldeep Singh, an accused in FIR No.08 dated 13.2.2020, under Sections 326, 324, 341, 34 IPC registered with Police Station Taragarh, District Pathankot.

The criminal machinery in this case was set into motion by the complainant Manmohan Singh son of Kirpa Ram, resident of village Shadipur, P.S. Tareagarh, who in his statement made to the police stated that on on 3.2.2020, he along with his wife Kanta Kumari besides Bunty Mukta, Jatinder Singh son of Gopal Das were present in his house at

Shadipur; at about 7:00 p.m., he heard a noise that something had struck against the boundary wall of his vacant plot towards street; he went out and saw that a person was there with loaded cement in the trolley attached with the tractor, which had struck against wall of his plot slightly. According to the complainant when he inquired from the said person, he told him that the articles belonged to Bhadar Singh son of Inder Singh, resident of that village and the trolley had struck against the wall of the complainant by mistake and after unloading the cement, that person went away; in the meanwhile, Bhadar Singh, his son Kuldeep Singh, his wife Darshan Kaur, Meena wife of Nirmal Singh and Mamta wife of Kuldeep Singh, empty handed came out in the street; Bhadar Singh raised an alarm that Manmohan Singh be caught and taught a lesson to stop their trolley; then they threw the complainant on the ground in the street in front of his house; Kuldeep Singh brought a datar from his house and gave a blow thereof to the complainant hitting him on his right hand striking on index finger of that hand; Kuldeep Singh tried to give second blow on neck of the complainant but the complainant raised his foot, as such the blow got diverted and hit the complainant on nose; the complainant raised an alarm, then the assailants ran away. The complainant injured was taken to Civil Hospital, Pathankot where he was medically treated and medico legally examined. The injuries on the index finger and on the nose of the complainant have since been declared to be grievous in nature.

On registration of formal FIR, 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, Pathankot vide order dated 16.3.2020. As such, the petitioner has approached this Court asking for similar relief.

I have heard learned counsel for the petitioner, ld. State counsel besides going through the records.

The allegations against the petitioner are very grave and serious of having caused injuries to the complainant, an old person of 70 years, with a dangerous weapon in the form of datar. The injuries on index finger as well as on nose of the complainant have been found to be grievous in nature. The petitioner is the main accused, to whom both these injuries have been attributed. Recovery of weapon is to be effected from him.

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 so as to find out as to how the incident was planned, the execution thereof and part played by each one of the accused. 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.

27.5.2020
Brij/sumit.k

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No