

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

CRM-M-12160-2020 (O&M)

Date of decision: 27.05.2020

Manpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr. Divanshu Jain, Advocate for the petitioner.

Mr. Suveer Sheokand, Addl. AG, Punjab.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for pre-arrest bail under Section 438 Cr.P.C. has been filed by petitioner Manpreet Singh, an accused in FIR No.19 dated 11.02.2020, for offences under Sections 148, 149, 324, 326 and 307 IPC, registered with Police Station Sadar Kapurthala, District Kapurthala.

The criminal machinery in this case was set into motion by complainant Dilbagh Singh son of Sukhdev Singh, by making a statement to the police, wherein he stated that he is engaged in avocation of agriculture besides making arrangement for a Disco Jockey (DJ). On 09.02.2020, he along with his brother Sukhpal Singh and Kirandeep Singh had gone to Phulkari Palace for installation of DJ

on occasion of marriage function of daughter of Sukhwinder Singh Bhandal. After the marriage function was over and time was about 6.30 PM, while they were dismantling their system and loading the same in their vehicle, then Manpreet Singh @ Sunny (present petitioner) armed with a kirpan, Navdeep Singh @ Navi Nagra armed with a daatar, Gurpreet Singh @ Gora armed with a baseball bat along with 4/5 unknown persons having daatars and baseball bats came there in an Alto car and intercepted the complainant and his brothers Sukhpal Singh and Kirandeep Singh; Manpreet Singh @ Sunny gave a kirpan blow on the head of complainant. Resultantly, he fell down and became unconscious. Then, Manpreet Singh @ Sunny gave a kirpan blow to the complainant hitting him on his lips and teeth which were broken; Navdeep Singh @ Navi Nagra gave a daatar blow to the complainant whereas Gurpreet Singh @ Gora rained baseball bat blows upon the complainant. Manpreet Singh @ Sunny gave kirpan blow on head of Sukhpal Singh, brother of the complainant who had come forward to save him and the said kirpan blow hit him on his right hand; Navdeep Singh @ Navi Nagra gave a daatar blow whereas Gurpreet Singh @ Gora gave a baseball bat blow and the unidentified persons accompanying them gave injuries to the complainant and his two brothers. The injuries had been given with an intention to kill the complainant. Thereafter, the assailants ran away from the spot while raising lalkaras (exhortation). The injured were taken to hospital. Formal FIR for offences under Sections 324, 326, 307, 148, 149 IPC

with regard to the incident was registered at Police Station Sadar, District Kapurthala.

Apprehending his arrest in this case, the petitioner had approached the Court of Sessions at Kapurthala, seeking pre-arrest bail, however, his such request was declined by Addl. Sessions Judge, Kapurthala, vide order dated 20.03.2020. Therefore, he has knocked the door of this Court, praying for grant of similar relief, which request is being resisted by the State counsel.

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

The allegations against the petitioner are very grave and serious that he armed with a kirpan which is a dangerous weapon had committed a merciless assault on the complainant hitting him on vital parts of the body. He was accompanied by his accomplices, who also participated in the incident while being possessed of dangerous weapons. Learned counsel for the petitioner has contended that the petitioner was not there at the time of the incident and had not caused any injury to anybody, rather, the injuries were caused to the complainant and his brothers by other persons and that CCTV footage is available in that regard and photocopies of some of the footage have been placed on record.

On the other hand, learned State counsel has contended that the genuineness of CCTV footage and the copies thereof placed on record is doubtful, inasmuch as the identity of the persons therein

cannot be established and unless the complete CCTV footage is there, it should not be taken into consideration. He has rather contended that during the investigation, the Investigating Officer had seen the complete CCTV footage wherein the involvement of the present petitioner in the incident was clearly established.

After hearing the rival contentions, I find that we are dealing with the matter whether the petitioner is entitled to grant of pre-arrest bail or not. At this time, mainly the version of the prosecution is to be seen and the defence of the accused is not to be considered. The guilt of the accused is not going to be determined in the present proceedings. If the petitioner feels that the CCTV footage would be helpful to him in his defence, he can do so during the trial but here without authenticity of that CCTV footage being established and identity of the persons shown therein being determined it cannot be taken into consideration. Further, the copies of snaps taken out therefrom cannot be relied upon. The injuries on the person of the complainant are on vital parts and accused have been booked for offence under Section 307 IPC also. The custodial interrogation of the petitioner is absolutely necessary to find out as to how the incident was planned and executed, which other persons had helped him in the commission of crime, the role played by each one of them, the reason for the crime etc.; the weapon of offence is also yet to be recovered. In case, the same is denied to the investigating agency that shall leave many glaring loopholes and gaps, adversely affecting the investigation,

which is uncalled for. Furthermore, pre-arrest bail is to be granted in very exceptional circumstances and not in routine. Its purpose is to save the innocent persons from harassment and inconvenience and not to shield the guilty persons and criminals from custodial interrogation by the investigating agency. The custodial interrogation is definitely more elicitation oriented since a person couched in comparative safety of the pre-arrest bail would certainly not disclose all the facts within his knowledge. Finding no merit in the instant petition, the same stands dismissed.

27.05.2020
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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No