

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

CRM-M-17291-2020

Date of decision:-3.7.2020

Gurmouj Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.M.K.Bali, Advocate for the petitioner.

Ms.Rashmi Attri, AAG, Punjab.

H.S. MADAAN, J.

Case taken up through video conferencing.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Gurmouj Singh, an accused in FIR No.37 dated 12.4.2020 for the offences under Sections 307 (added later), 323, 341, 506, 148, 149 and 201(added later) of IPC, registered with Police Station Mullanpur, District SAS Nagar.

Briefly stated, the facts of the case as per the prosecution story are that criminal machinery in this case was set into motion by complainant Gurmukh Singh, who in his statement made to the police of Police Station Mullanpur on 12.4.2020 stated that he along with his nephew Manpreet Singh and Pardeep Singh was giving holy bath to Khera and thereafter at about 10:00 a.m., they were returning home, when they were intercepted by Gurmouj Singh (present petitioner) armed with a

gandasi, Gurvinder Singh armed with a lathi, Gurtej Singh armed with a danda, Gurkirat Singh armed with a PANJI, Gurjinder Singh armed with a lathi, Gurmail Singh armed with a SALNGI, Gurdev Singh armed with a lathi, Gursharan Singh armed with a danda, Gurmukh Singh armed with a lathi, who on seeing them started raising lalkaras and threatened to kill them and in the meanwhile, he and Surjit Singh also reached at the spot. The accused had caused injuries to the complainant, Manpreet Singh and Surjit Singh. The injured were hospitalized. Formal FIR in the matter was recorded.

Apprehending his arrest in this case, the petitioner/accused 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, SAS Nagar (Mohali) vide order dated 13.6.2020. As such, the petitioner has approached this Court asking for similar relief.

Notice of the petition is given to respondent – State. Ms.Rashmi Attri, AAG, Punjab has put in appearance on behalf of respondent – State and accepts notice on behalf of respondent - State.

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

The petitioner is the main accused, who has been attributed injury on head of Manpreet Singh, which has been declared to be dangerous to life. Total nine persons had been named as accused in the FIR and out of them accused Gurdev Singh, Gurkirat Singh, Gursharan Singh, Gurtej Singh, Gurmail Singh and Gurmukh Singh are said to have

been granted pre-arrest bail by Additional Sessions Judge, Mohali, whereas accused Gurjinder Singh has been granted regular bail by that very Court and co-accused Gurvinder Singh is said to have been granted anticipatory bail by this Court. Though it is stated that there is a cross version of the incident in which the accused party had received injuries and a DDR was registered in that regard but then role by each accused in the incident is to be examined to find out his entitlement for grant of pre-arrest bail.

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. Here the petitioner/accused is alleged to have caused injury on head of Manpreet Singh with a gandasi, which is a very dangerous weapon and such injury has been declared to be dangerous to life.

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 to effect the recovery of weapon used in the incident and to find out as to how the incident was planned and executed and role played by each 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.

3.7.2020

Brij

(H.S.MADAAN)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No