

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

CRM-M-17997-2020 (O&M)

Date of decision: 09.07.2020

Mintu @ Manpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr. Prateek Sodhi, Advocate for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for pre-arrest bail has been filed by petitioner Mintu @ Manpreet Singh, an accused in FIR No.0069 dated 05.06.2020, for offences under Sections 336, 427, 506, 148, 149 of IPC and Section 25 of the Arms Act, registered with Police Station Majitha Road, District Amritsar.

Briefly stated facts of the case as per prosecution version are that, FIR in question was lodged by complainant Balvir Singh @ Billa son of Bawa Singh, who in his statement to the police stated that on 04.06.2020 at about 11.30 PM, after taking dinner he was having a walk on the rooftop of his house, when he heard loud noises coming from street. He observed that the petitioner/accused Mintu @ Manpreet Singh along with his accomplices Mahajan son of Gola, Golu son of Bablu, Bitu

Baiya, Rohit @ Lalu son of Bablu, Ashok son of Das Ram, Jassi son of Bobby, all residents of Gali Malian, New Abadi Faizpura, Amritsar were giving abuses to his sons Shiva and Sherry, challenging them to come out of the house and fight with them. Mintu @ Manpreet Singh fired two shots from the pistol which he was having. At that time, Mahajan was armed with a datar, Golu with a kiran, Bitu Baiya with a baseball bat, Rohit Lalu with a sariya, Ashok with a gandasi and Jassi with a datar and they started striking at the gate and wall of house of the complainant. On alarm raised by the complainant from the rooftop and observing that residents of the area had started gathering, then the assailants ran away from the spot along with their respective weapons. The motive for the incident was that a few days earlier, a minor quarrel had taken place between sons of the complainant and the accused party.

Apprehending his arrest in this case, petitioner had approached the Court of Sessions at Amritsar, seeking pre-arrest bail but his such petition was dismissed by Addl. Sessions Judge, Amritsar, vide order dated 02.07.2020. Therefore, he has knocked at the door of this Court, praying for grant of similar relief, which request is being opposed by the State counsel.

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

The allegations against the accused are very grave and serious that he while being armed with an illegal weapon accompanied by his several co-accused, all of them armed with dangerous weapons, had attacked house of the complainant and during the incident, the present

petitioner had fired two shots from the pistol. The police had recovered one of the empty shells from the spot, pointing out that shots had in fact been fired near house of the complainant, the place of occurrence as per prosecution story. During the course of hearing of pre-arrest bail before Addl. Sessions Judge, Amritsar, interim bail was granted to the petitioner and he was directed to join the investigation, which he did but he did not get the pistol used in the incident recovered. The said pistol is an important piece of evidence for the prosecution in advancing its case. The version of the petitioner is of total denial that he was not involved in the incident and was not even present what to talk of having a pistol and firing two shots therefrom. Such plea taken by the accused can be proved by him during the trial but at this stage, the Court is to see the prosecution story mainly. Furthermore, pre-arrest bail is a relief which is not to be granted in routine manner but in exceptional cases. This provision is there to save the innocent persons from harassment and inconvenience and not to screen the criminals from interrogation by the police. Furthermore, the custodial interrogation of the petitioner is much more elicitation oriented than the eventuality of an accused being questioned while he is having protection of pre-arrest bail and in case of the latter situation, the accused may not come up with the complete facts within his knowledge. In this case, the custodial interrogation of the petitioner is found to be necessary for complete and effective investigation including getting recovery of weapon effected from him. His custodial interrogation is necessary to find out as to how the incident was planned and executed; from where the illegal weapon/ammunition were procured by the

petitioner and where he concealed the weapon after the incident. In case, the custodial interrogation of the petitioner is denied to the investigating agency that shall leave many glaring loopholes and gaps, adversely affecting the investigation, which is uncalled for. Thus, finding no merit in the instant petition, the same stands dismissed.

09.07.2020
sumit.k

(H.S. MADAAN)
JUDGE

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