

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

**CRM-M No.21772 of 2020 (O&M)
Date of Decision: 25.09.2020**

Kuldip Singh @ Maan Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Ms. Ishma Randhawa, Advocate for the petitioner.

Mr. N.K.Banka, DAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of pre-arrest bail to the petitioner in case FIR No.0071 dated 19.04.2020, under Sections 307, 336, 450, 380, 188, 148, 149 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959, registered at Police Station Ajnala, District Amritsar (Rural).

It transpires that above FIR was registered against the petitioner on the allegations that he along with other co-accused caused injuries to Kaka Masih (brother of complainant-Mukhtar Masih @ Kalu) as well as Savinder Kaur. It is also the allegation that Kaka Masih was taken to Civil Hospital, Ajnala for treatment, but later on due to his serious condition, he was referred to Guru Nanak Dev Hospital, Amritsar, where he is still undergoing treatment.

Learned Counsel for the petitioner has submitted that it was not the petitioner; rather one Jitender Singh, who fired the shots and the police are

protecting him. It is also the contention that petitioner has no role at all in this case and he has been falsely implicated.

On the other hand, learned State Counsel opposed the prayer and submitted that two persons i.e. Kaka Masih as well as Savinder Kaur suffered injuries on account of the fire-arm shots by the petitioner, thus, for recovery of weapon, his custodial interrogation is required.

Heard learned Counsel for the parties and perused the paper-book.

Concededly, there are specific allegations against the petitioner that he caused fire-arm injuries to Kaka Masih and immediately after occurrence on 18.04.2020, he was taken to Civil Hospital, Ajnala, but due to his serious condition, referred to Guru Nanak Dev Hospital, Amritsar and ultimately, discharged therefrom on 03.05.2020 i.e. after 15 days.

In view of the above, this Court is fully satisfied that custodial interrogation of the petitioner would be required for recovery of the alleged weapon, used by him while committing the offence, thus, he does not deserve the concession of pre-arrest bail. Hence, this Court has no option except to dismiss the petition.

Ordered accordingly.

The above observations may not be construed as an expression of opinion on merits of the case.

September 25, 2020
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(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>