

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

CRM-M-33214-2020 (O&M)

Date of decision: 16.10.2020

Arshdeep

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr. Arpandeeep Narula, Advocate for the petitioner.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for pre-arrest bail has been filed by petitioner Arshdeep, aged about 20 years, an accused in FIR No.334 dated 30.05.2020, for offences under Sections 323, 324, 506, 148, 149, 120-B of IPC (offence under Section 326 of IPC added later on), registered with Police Station City Sirsa, District Sirsa.

Briefly stated facts of the case as per prosecution version are that, on 28.05.2020, while complainant Gurjeet Singh along with his brother in-law Major Singh had gone to Lord Shiva College road, Sirsa for doing labour work, at about 10.30 AM, Ajju, Soni, Chochi, Chhindi, Ashu (present petitioner Arshdeep) along with 7/8 persons armed with swords and kapas came there and assaulted them; Ajju gave sword blows to the complainant, hitting him on left shoulder and waist,

whereas, kapa blows given by Chhindi hit the complainant on head and hands; Sonu also gave beatings to the complainant, whereas, Chochi, Ashu (present petitioner), Sonu and other persons accompanying them attacked Major Singh causing him injuries on his head and hands; on alarm being raised by the injured, the assailants ran away from the spot; the matter having been reported to the police; formal FIR was registered. The investigation in the case started.

Apprehending his arrest in this case, petitioner Arshdeep had approached the Court of Sessions at Sirsa, seeking pre-arrest bail. However, his such petition was dismissed by Addl. Sessions Judge, Sirsa, to whom the petition had been assigned, vide order dated 28.09.2020. Feeling dissatisfied, the petitioner has knocked at the door of this Court, praying for grant of similar relief.

Notice of motion.

Mr. Tanuj Sharma, AAG, Haryana, accepts notice on behalf of the State and opposes the prayer made on behalf of the petitioner.

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

At the very outset, it may be mentioned that learned State counsel has stated that though complete name of the petitioner Arshdeep is not mentioned in the FIR but he has been mentioned by his nick name Ashu. Learned counsel for the petitioner could not effectively refute that contention. In the instant case, complainant

Gurjeet Singh and his brother in-law Major Singh had been subjected to merciless assaults by the petitioner and his co-assailants while they were armed with dangerous weapons like swords and kapas. As per MLR of the complainant, 06 injuries were observed on his person, whereas, MLR of Major Singh revealed 05 injuries, one of which was found to be grievous. Obviously, all the assailants had formed an unlawful assembly and had indulged in rioting while armed with deadly weapons. In that way, each member of the unlawful assembly is liable for the acts of the other members of the said assembly. Not only the allegations against the petitioner are serious and grave but his custodial interrogation is found to be necessary to find out as to how the incident was planned and executed and further to effect the recovery of weapon used in the incident. In case, the custodial interrogation is denied to the investigating agency that shall leave many gaps and loopholes, adversely affecting the investigation, which is uncalled for. Thus, finding no merit in the instant petition, the same stands dismissed.

16.10.2020

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(H.S. MADAAN)
JUDGE

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