

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

CRM-M-37320-2020

Date of decision:-2.12.2020

Balkaran Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.D.S. Gandhi, Advocate
for the petitioner.

Mr.Randhir Singh Thind, DAG, Punjab.

Mr.Vineet Sharma, Advocate
for the complainant.

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 – Balkaran Singh, aged 31 years, resident of village Jathual, Tehsil and District Amritsar, an accused in DDR No.25 dated 8.5.2020 for the offences under Sections 307, 336, 323, 148, 149, 120-B IPC and 25 & 27 of Arms Act in FIR No.43 dated 1.5.2020 for the offences under Sections 302, 323, 324, 148, 149 IPC, registered with Police Station Gharinda, Amritsar (Rural).

Briefly stated, the facts of the case as per the prosecution story are that petitioner Balkaran Singh had got his statement recorded with the police that on 30.4.2020 at about 6:30 p.m., while he along with

his brother Jaskaran Singh @ Rinku, father – Ravel Singh and uncle Sukhdev Singh were standing outside their house, then Tarsem Singh, empty handed, Bachittar Singh @ Chatra having a wooden bat (bala), Ranjit Singh, Ravinderjit Singh @ Mintu armed with datars, Karanjit Singh armed with Kirpan, Baljit Singh armed with a dang, Bikramjit Singh armed with a datar, Baj Singh armed with a Kirpan, Chanpreet Singh armed with a baseball bat, Tejpal Singh armed with a gandas, Daljit Singh armed with a kirpan, Sukhdev Singh @ Tharu armed with a Kirpan, Kanwaljit Singh @ Fauji and Jagroop Singh armed with dangs, all residents of their village assaulted them causing injuries to him (Balkaran Singh), Jaskaran Singh @ Rinku, Sukhdev Singh and Ravel Singh. The injured Jaskaran Singh @ Rinku, Ravel Singh and Sukhdev Singh were hospitalized and Jaskaran Singh @ Rinku succumbed to the injuries during treatment. The dispute between the parties was with regard to path of land. On the basis of such statement of Balkaran Singh, formal FIR was registered. A counter version of the incident was also set up in which the present petitioner Balkaran Singh is said to have fired gun shot at Baljit Singh with an intention to kill him causing him injuries.

Apprehending his arrest in this case, the present petitioner 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, Amritsar vide order dated 22.10.2020. As such, the present petitioner has approached this Court asking for similar relief, which request is being opposed by the State counsel as well as counsel for the complainant.

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

No doubt, criminal machinery in this case has been set into motion by petitioner Balkaran Singh by reporting the incident to the police with regard to injuries being caused to him, his brother Jaskaran Singh @ Rinku, father – Ravel Singh and uncle Sukhdev Singh at the hands of Tarsem Singh and others and in that incident Jaskaran Singh @ Rinku had succumbed to the injuries but then counter version of the incident had been set up in which the present petitioner is said to have fired a gun shot at Baljeet Singh with an intention to kill him. That counter version recorded vide DDR No.25 dated 8.5.2020 for the offences under Sections 307, 336, 323, 148, 149, 120-B IPC and 25 & 27 of Arms Act is also required to be probed.

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 firearm from which the shot was fired and to find out under what circumstances he had done so. 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.

Finding no merits in the petition, the same stands dismissed.

2.12.2020

Brij

(H.S.MADAAN)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No