

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

CRM-M-38076-2020 (O&M)

Date of decision: 18.11.2020

Angrej Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr. P.S. Bhinder, Advocate for the petitioner.

Mr. Gaurav Garg Dhuriwala, 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 Angrej Singh, an accused in FIR No.0346 dated 13.10.2020, for offences under Sections 323, 324, 506 and 34 IPC (Section 326 IPC added later on), registered with Police Station Patran, District Patiala.

Briefly stated facts of the case as per prosecution version are that, on 12.10.2020 at about 6.30 PM, complainant Arun Kumar son of Dharampal, R/o Ward No.2, Gurteg Bahadar Mohalla, Patran, along with his friend Jagtar Singh were eating burgers being sold from a rehri at Bhagat Chowk, Patran; at about 6.30 PM, Angrej Singh (present petitioner) along with Gora Virk riding on Aactiva scooter came there; Angrej Singh caught hold of complainant Arun Kumar from his neck, whereas in the meanwhile, a Swift car, white in colour came; Kala Singh,

Ajmer Singh alighted from the car; Gora Virk brought a kirpan from the car and hit the complainant on his left arm near his hand, besides giving another blow with kirpan to the complainant, hitting on his left arm below elbow; the second blow had been aimed by Gora Virk on head of the complainant but the complainant had brought forward his left arm to ward off the blow, as such was hit on left arm below elbow; Ajmer Singh gave a danda blow on left shoulder of the complainant; the complainant fell down, then Kala Singh gave a danda blow on his left arm near biceps; then all the assailants gave kick blows to Arun Kumar, complainant while he was lying down. Arun Kumar and Jagtar Singh raised alarm and many people started gathering at the spot, then the assailants ran away therefrom in their respective vehicles. The injured was taken to Govt. Hospital, Patran and was treated there. The motive for the incident was that some days earlier, in Friends Colony, Gora Virk and Angrej Singh give abuses to friend of complainant and the complainant had gone there; nursing that grudge, the assailants had caused injuries to the complainant. After registration of the FIR, the investigation in the case started.

Apprehending his arrest in this case, petitioner had approached the Court of Sessions at Patiala, seeking pre-arrest bail. However, his such application was dismissed by Sessions Judge, Patiala, vide order dated 06.11.2020. Feeling aggrieved, the petitioner has knocked at the door of this Court, praying for grant of similar relief.

Notice of motion.

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab accepts notice

on behalf of the State and opposes the bail.

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

Here, not only the petitioner/accused is specifically named in the FIR but he is said to have played an active role in the incident by catching hold of complainant from his neck, whereas, his co-accused Gora Virk had hit the complainant with kirpan twice. His other co-accused had also caused injuries to the complainant and when the complainant had fallen down on earth, petitioner/accused had joined them in giving kick blows to the complainant. The petitioner/accused along with main accused Gora Virk had arrived at the spot together riding on Activa scooter, whereas, their other co-accused had also arrived there in a car, that goes to show the prior planning to commit the incident on part of the four accused. The injuries on the person of the complainant have been declared to be grievous in nature. As far as the motive for the incident, according to the prosecution story, it has been attributed to the present petitioner as well as Gora Virk. The petitioner is certainly not entitled to discretionary equitable relief, which is to be granted by the Court in very exceptional cases and not in routine. This provision is meant to protect the innocent persons from harassment and inconvenience and not to work as a shield for the criminals, so as to enable them to avoid interrogation by the investigating agency. The custodial interrogation of the petitioner is necessary to find out as to how the incident was planned, executed and involvement of other person, if any. In case, the same is denied to the investigating agency that shall leave

many gaps and loopholes, adversely affecting the investigation, which is uncalled for. Thus, keeping in view the totality of circumstances, no ground for grant of pre-arrest bail to the petitioner is made out. The petition so moved by him in that regard stands dismissed accordingly.

18.11.2020

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(H.S. MADAAN)
JUDGE

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