

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

206

CRM-M-39216-2020.

Date of Decision: 04.12.2020.

Karanpreet Singh

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. B.S. Sidhu, Advocate for petitioner.

Mr. S.S. Deol, Deputy Advocate General, Punjab.

Mr. C.M. Munjal, Advocate for the complainant.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

This petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to petitioner in case FIR No.122 dated 24.08.2020 under Sections 148, 307, 323, 324, 326, 336 and 452 IPC read with Section 149 IPC and Sections 25 and 27 of Arms Act (Offence under Sections 148, 307, 336 and 452 read with Section 149 IPC and Sections 25 and 27 of Arms Act deleted and thereafter offence under Section 326 IPC read with Section 34 IPC added, vide DDR No.37 dated 16.11.2020), registered at Police Station Sadar, Abohar, District Fazilka.

Reply dated 03.12.2020 alongwith Annexures by way of affidavit of Avtar Singh, PPS, Deputy Superintendent of Police (Rural),

Abohar, District Fazilka on behalf of respondent-State filed and the same is taken on record.

Learned counsel for the petitioner *inter alia* contends that though alleged occurrence took place on 22.08.2020 at about 7:00 pm, whereas present FIR was lodged on 24.08.2020 and as such delay has been utilized to make out concocted story and especially to implicate the petitioner and co-accused in the commission of alleged offence. He further urges that complainant party has tried to implicate all the male family members of petitioner but during the course of investigation co-accused namely Prithi Singh and Balwinder Singh have been found innocent and this fact itself creates doubt in the veracity of complainant's version. He further urges that in case injured-Gurpreet Singh had sustained any serious injury on 22.08.2020, he would not have left the hospital on 25.08.2020 and that too against medical advice. He further urges that since no injury endangering life was ever sustained by injured-Gurpreet Singh, for the said reason alone, Investigating Agency had deleted the offence under Section 307 IPC. He further urges that though petitioner has no nexus whatsoever with the alleged offence, he is ready to join investigation as and when called upon to do so by the Investigating Agency, thus, concession of pre-arrest bail may be extended to him.

On the other hand, learned State counsel assisted by learned counsel for the complainant while opposing the cause of petitioner has vehemently argued that grievous injury by means of sharp-edged weapon attracting Section 326 IPC and that too on vital organ (forehead) on the person of injured-Gurpreet Singh has been attributed to petitioner. He

further urges that NCCT Head of injured-Gurpreet Singh was conducted on 23.08.2020 and further CT Face of said injured was conducted on 25.08.2020, in terms of which, depressed fracture of frontal bone involving anterior and posterior walls of frontal sinus, fracture of bilateral nasal bone and nasal septum and fracture of medial wall of right orbit (lamina papyracea) were detected. He further urges that in view of nature of offence committed by petitioner, his custodial interrogation is required to recover the incriminating weapon and to reveal the truth and as such petitioner is not entitled for the concession of pre-arrest bail.

I have heard learned counsel for the parties and have carefully gone through the contents of petition as well as reply furnished at the instance of respondent-State.

Without commenting anything on the merits of the case, lest it may prejudice the case of either of the parties, allegedly petitioner alongwith co-accused in furtherance of their common intention inflicted simple as well as grievous injuries by means of blunt as well as sharp-edged weapons on the persons of injured-Gurpreet Singh and Gurmeet Singh. Pre-arrest bail to an accused should be granted in exceptional circumstances as a person couched in comparative safety of the pre-arrest bail would certainly not disclose all the facts within his knowledge. In a given situation, custodial interrogation of petitioner is certainly required for complete and effective investigation. In case, same is denied to the Investigating Agency that shall leave many glaring loopholes and gaps, adversely affecting investigation, which is uncalled for. Keeping in view totality of entire

scenario and nature of offence, no extra-ordinary ground has been made out in favour of petitioner for his entitlement of pre-arrest bail.

As a sequel to above, instant petition for grant of pre-arrest bail moved by the petitioner-Karanpreet Singh is dismissed.

(LALIT BATRA)
JUDGE

04.12.2020
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Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No