

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

CRM-M-42885-2020

Date of decision:-18.12.2020

Gurwinder Singh @ Gurinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.Sanjeev Banga, Advocate  
for the petitioner.

Mr.R.S. Thind, DAG, Punjab.

\*\*\*\*

**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 – Gurwinder Singh @ Gurinder Singh, aged 25 years, resident of village Shamsherpur, Tehsil Batala, District Gurdaspur, an accused in FIR No.117 dated 17.9.2020 for the offences under Sections 323, 324, 452, 506, 148 and 149 IPC, registered with Police Station Ghanie Ke Bangar, District Batala.

Briefly stated, the prosecution story is that on 14.9.2020, complainant Lakhmir Singh son of Satnam Singh, resident of Chitaurgarh, aged about 22 years along with his mother Jagir Kaur, father – Satnam Singh, brother – Hira Singh, sister-in-law Mandeep Kaur had taken dinner and were about to sleep in their house at village Chitaurgarh; at about

10:00 p.m., the complainant heard noise of knocking on the main gate and in the light of varandah, he observed Gurinder Singh son of Kulwinder Singh having a sharpened edged weapon (datar), Sandeep Singh son of Dilbagh Singh and Vansh son of Dilbagh Singh armed with datri, Aman @ Phallu son of Amarjit Singh empty handed, Kaba son of Bachan Singh armed with datri, all residents of village Chitaurgarh along with 2-3 unidentified persons had forcibly entered the house of complainant; on seeing the complainant and his brother Hira Singh, Aman raised a lalkara that they should be caught hold off and taught a lesson for abusing them; hearing that his brother Hira Singh and father ran over the roof of the house; Gurinder Singh gave a datar blow to the complainant, hitting him on the backside of head; after receipt of the injuries, the complainant fell down; while he was lying on the ground, Sandeep gave two consecutive blows with his datri hitting the complainant on backside of head; Kaba gave datri blow hitting him on his forehead; Vansh gave two consecutive blows of datri, hitting him on his head near right ear and above the right ear respectively; while the complainant was lying on the ground Gurinder Singh gave blow from reverse side of the datar hitting the complainant on left leg; when mother of the complainant, namely, Jagir Kaur came forward to rescue the complainant, then Gurinder Singh gave blow from reverse side of datar, hitting Jagir Kaur on right shoulder; the unknown persons accompanying the assailants abused the complainant and his family members and threatened to kill them; while people from the neighbourhood started gathering, the accused persons ran away from the spot along with their respective weapons. The injured were admitted to

Civil Hospital, Fatehgarh Churian. Keeping in view the serious condition of the complainant, he was referred to Guru Nanak Dev Hospital, Amritsar, where he was medically treated. On the basis of statement of the complainant, formal FIR was registered. The investigation in the case started.

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 Sessions Judge, Gurdaspur vide order dated 30.10.2020. As such, the present petitioner has approached this Court asking for similar relief.

Notice of the petition has been given to respondent – State. Mr.R.S. Thind, DAG, Punjab has appeared on behalf of respondent – State. He opposes the present petition.

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

Pre arrest bail is a discretionary relief and is to be granted in exceptional cases and not in routine. It is meant to save the innocent persons from harassment and inconvenience and not to screen the culprits from custodial interrogation.

The allegations against the petitioner are very serious and grave that he along with his accomplices had trespassed in the house of complainant at night and by using dangerous weapons committed a merciless assault upon the complainant, causing him multiple injuries. Even mother of the complainant was not spared. The assailants had chosen vital parts of body of the complainant to cause injuries to him. The

petitioner/accused has been attributed two injuries on the person of complainant Lakhmir Singh, one on the backside of the head and another on left leg by means of datar.

Custodial interrogation of the petitioner is definitely required for complete and effective investigation to find out as to how the incident was planned and executed, the details of the number of the persons, who had taken part in the planning and execution of the incident. The recovery of the weapon used in the incident is also to be effected. 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.

Thus the petition is doomed for failure and is dismissed accordingly.

18.12.2020  
Brij

**(H.S.MADAAN)**  
**JUDGE**

**Whether reasoned/speaking : Yes/No**

**Whether reportable : Yes/No**