

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

CRM-M-48042-2019

Date of decision:-12.2.2020

Raj Singh

...Petitioners

Versus

State of Punjab

...Respondent

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

Present: Mr.G.S. Saini, Advocate
for the petitioner.

Rana Harjasdeep Singh, DAG, Punjab.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Raj Singh, an accused in FIR No.105 dated 18.5.2018, under Sections 341, 324, 323, 379-B, 148 and 149 IPC (Section 326 IPC was added later on), registered with Police Station Zira, District Ferozepur.

Briefly stated, the facts of the case as per the prosecution story are that on 17.5.2018 at about 6:00 p.m., complainant Saroop Singh son of Baldev Singh aged about 33 years, resident of village Bandala Bamb along with his brother Jagroop Singh was returning from the fields after preparing boundary; Jagroop Singh stayed in the fields for some time; when the complainant was just to reach home, then he heard a noise and observed some persons loudly talking with his brother; he returned to

the fields quickly and saw Raj Singh son of Gurcharan Singh (present petitioner) armed with a datar along with 3-4 unknown persons having dangs and soties to be there; Karanbir Singh son of Hardial Singh, resident of that very village came by his tractor Mahindra 275, which was being driven at a fast speed; earlier he wanted to run over the complainant and his brother, thereafter he raised a lalkara, alighted from the tractor and stated that he would teach a lesson to both the brothers for preparing the boundary of the fields; thereafter all the assailants encircled the complainant; Raj Singh gave a datar blow to the complainant, who held out his left arm to save himself, then the datar hit him near his left elbow; thereafter, one unknown person caught hold of his neck and Karanbir gave a dang blow to him hitting him on the back; one unknown person gave a dang blow on his legs hitting him a little below his knees; when Jagroop Singh saw blood oozing out from the arm of complainant, then he raised an alarm, which attracted Baldev Singh – father and Harbans Singh paternal uncle of complainant to the spot; on their arrival all the assailants ran away from the spot along with their respective weapons, tractor and motorcycle; while leaving, they snatched mobile phone of complainant make Samsung J-2. The motive for the incident was dispute with regard to demarcation of the land between the parties. On the basis of statement of complainant Saroop Singh, formal FIR has been registered.

Apprehending his arrest in this case, the 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, Ferozepur vide order dated 24.9.2018. As

such, the petitioner has approached this Court asking for similar relief.

Notice of the petition was given to respondent – State, which put in appearance through counsel.

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

The allegations against the petitioner are very grave and serious. The injury on the person of complainant is attributed to the present petitioner. As submitted by the State counsel although the petitioner has joined the investigation during the period of interim bail granted to him but he has not got the mobile phone of the complainant and motorcycle and tractor used in the incident recovered. Vide order dated 16.12.2019, it was clarified that in case the State informed the Court on the adjourned date that the petitioner had failed to get the recovery effected or that he had not cooperated with the investigation, the interim bail granted to him would be liable to be cancelled. The State counsel submits that the petitioner has not cooperated with the investigation and had not got the recovery effected.

Under the circumstances, keeping in view the gravity of the allegations and the fact that despite being given a chance by granting interim bail to him, he has not cooperated with the investigating agency and has not got the recovery effected, custodial interrogation of the petitioner is definitely required for complete and effective investigation. 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.

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.

Thus finding no merit in the petition, the same stands dismissed.

12.2.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No