IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-1369-2021 (O&M)
Date of decision: 12.01.2021

Malkeet Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr. R.S. Sekhon, Advocate for the petitioner.

*****

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for pre-arrest bail has been filed by petitioner Malkeet Singh, an accused in FIR No.177 dated 30.10.2020, for offences under Sections 457, 380, 511, 324, 323 and 34 of IPC, registered with Police Station Sadar Jalalabad, District Fazilka.

Notice of motion.

Mr. Sukhbeer Singh, AAG, Punjab accepts notice on behalf of the State.

Briefly stated facts of the case as per prosecution version are that, criminal machinery in the case was set into motion by complainant Mrs. Veerpal Kaur wife of Rachpal Singh son of Harnam Singh, R/o Village Parbhat Singh Wala Hithar, Police Station Sadar Jalalabad, aged about 42 years, who in the statement made by her to

SUMIT KUMAR
2021.01.12 14:41
I attest to the accuracy and
integrity of this document

the police stated that on 28.10.2020, while she along with her family members was sleeping inside the room after taking meals and electric bulb outside the room was glowing; construction work was going on in their house, so her father in-law Harnam Singh was sleeping in the courtyard; at about 10.20 PM, a young person having muffled face entered their house and tried to snatch her ear rings; she caught hold of him from his collar and a scuffle started, during the course of which, cloth with which the said criminal had covered his face got removed and the complainant identified him to be Malkeet Singh son of Jeet Singh, R/o Village Parbhat Singh Wala Hithar (present petitioner), who was armed with a kapa; said Malkeet Singh gave a kapa blow to the complainant, hitting her on left ear, whereas the second blow of kapa given by the petitioner/accused hit the complainant on little finger of right foot; when the complainant raised alarm, then her father in-law Sh. Harnam Singh woke up and he gave a dang blow to the accused, as a result of which, accused fell down; two unknown persons were also with him, who were standing near the gate ran away; Malkeet Singh was caught at the spot; husband of of the complainant also came there; injured was taken to the hospital and was medically treated and medico-legally examined; after registration of the FIR; the investigation in the case started.

Apprehending his arrest in this case, petitioner/accused had filed a petition for grant of pre-arrest bail before the Court of Sessions at Fazilka. His such petition was assigned to Addl. Sessions Judge,

SUMIT KUMAR
2021.01.12 14:41
I attest to the accuracy and
integrity of this document

Fazilka, who vide order dated 24.11.2020, dismissed the same. Feeling aggrieved, the petitioner has approached this Court, craving for grant of similar relief, which request is being opposed by the State counsel.

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

Pre-arrest bail is a discretionary equitable relief, which is to be granted by the Court in rare and exceptional circumstances to save the innocent persons from harassment and inconvenience and not to provide protective umbrella to the criminals enabling them to avoid arrest and interrogation by the investigating agency. In the present case, the petitioner is specifically named in the FIR. The allegations against him are very grave and serious that he along with his accomplices had trespassed in house of the complainant at night and tried to remove her ear rings and when she resisted, caused injuries to her with a kapa. Such type of acts cannot be taken in a light manner. Custodial interrogation of the petitioner is definitely required for complete and effective investigation, so as to find out as to how the incident was planned and executed, the name of the other persons involved in the planning of the incident and the persons, who were accompanying him at the time of incident, who were standing near the gate of house of the complainant etc., In case, the custodial interrogation is denied to the investigating agency that shall leave many gaps, loopholes and lacuna, adversely affecting the investigation, which is uncalled for. In the FIR itself, the injury on the person of

SUMIT KUMAR
2021.01.12 14:41
I attest to the accuracy and
integrity of this document

petitioner has been explained that father in-law of the complainant had given a dang blow to the petitioner. Of course, he was justified in doing so in exercise of right of private/self defense. Thus, no case for grant of pre-arrest bail is made out. The petition is found to be without any merit and is dismissed accordingly.

12.01.2021 **(H.S. MADAAN)**
sumit.k **JUDGE**

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

SUMIT KUMAR
2021.01.12 14:41
I attest to the accuracy and
integrity of this document