

**CRM-M-1914-2021 &
CRM-M-10711-2021**

-:1:-

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

1. CRM-M-1914-2021

Kirandeep Kaur @ Maro @ Ninder Kaur

..... Petitioner

Versus

State of Punjab

..... Respondent

2. CRM-M-10711-2021

Nishan Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

Date of decision : 25.3.2021

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

Present : Mr.L.M.Gulati, Advocate
for the petitioner in **CRM-M-1914-2021**.

Mr.J.S. Mahal, Advocate
for the petitioner in **CRM-M-10711-2021**

Mr.J.S. Ghuman, DAG, Punjab.

H.S. MADAAN, J.

Vide this order, I shall dispose of two petitions for grant of pre-

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arrest bail i.e. **CRM-M-1914-2021** filed by petitioner Kirandeep Kaur @ Maro @ Ninder Kaur and **CRM-M-10711-2021** filed by petitioner Nishan Singh, both of them accused in FIR No.146 dated 30.11.2020, under Sections 302, 120-B, 148, 149 and 506 IPC, registered with Police Station Khem Karan, District Tarn Taran.

Briefly stated, the facts of the case as per the prosecution story are that criminal machinery in this case was set into motion by complainant Gurbhinder Singh son of Sukhdev Singh, resident of Mehmoodpura, who in the statement got recorded by him with the police stated that on 29.11.2020, he along with his family were taking part in the Shagun ceremony function; in the evening, he along with his paternal uncle's son Anmolpreet Singh and maternal uncle Shaminder Singh as well as Balwinder Singh went to Khem Karan on their motorcycles for making certain purchases; the complainant and Anmolpreet Singh were on a bullet motorcycle and Shaminder Singh and Balwinder Singh were on a separate motorcycle; on their return journey, when they had reached near Bohri Wala Stop, Bhura Kohna, then Kirandeep Kaur @ Maro @ Ninder Kaur (petitioner in **CRM-M-1914-2021**) and her sister Amarjit Kaur, married at Manawan village came on Activa Scooter and met them; the time was about 6:30 p.m.; they had called the complainant there; the complainant started talking with his friend Kirandeep Kaur @ Maro @ Ninder Kaur; in the meanwhile an Innova vehicle came there; on observing that Kirandeep Kaur @ Maro @ Ninder Kaur stated that Labha had arrived, then she along with her sister Amarjit Kaur ran away; the complainant also sped away his motorcycle. Innova car was being

driven by Lovepreet Singh @ Labha son of Sukhdev Singh @ Sukha, resident of Bhoora Kohna and Aman Singh @ Mani, resident of Bhoora Kohna was sitting with him on the front seat, whereas on the rear seat Nishan Singh (petitioner in CRM-M-10711-2021) and 2-3 unidentified persons were sitting; Lovepreet Singh @ Labha hit his Innova vehicle against the motorcycle of complainant with the intention to kill him; resultantly both the riders fell down; Lovepreet Singh @ Labha, Aman Singh @ Mani, Nishan Singh and unidentified persons got down from the Innova vehicle and gave slaps to the complainant and Anmolpreet Singh; in the meanwhile, Shaminder Singh and Balwinder Singh also arrived at the spot; the assailants left the spot in their Innova vehicle; Anmolpreet Singh had suffered serious injuries; he was removed to Simran Hospital, Bhikhiwind from where he was referred to hospital at Amritsar and while being taken there, he died on the way. The matter was reported to the police. The motive for the incident was that complainant had friendly relations with Kirandeep Kaur @ Maro @ Ninder Kaur and Lovepreet Singh @ Labha was annoyed for the said reason; he had been giving threats that complainant should end his relationship with Kirandeep Kaur @ Maro @ Ninder Kaur, otherwise, he would be killed and for that reason, the incident had taken place.

After registration of the formal FIR, the investigation in the case started, which revealed that petitioner Kiranpreet Kaur @ Maro @ Ninder Kaur was member of unlawful assembly and offence was committed in prosecution of common object of that unlawful assembly.

Apprehending their arrest in this case, petitioners/accused had approached the Court of Sessions seeking grant of pre-arrest bail by filing applications, which were assigned to learned Additional Sessions Judge, Tarn Taran. However, their such applications were dismissed by the Court of learned Additional Sessions Judge, Tarn Taran vide order dated 2.1.2021. As such, they have approached this Court asking for similar relief by way of filing separate petitions, which are 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 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 arrest and custodial interrogation.

Both the petitioners are specifically named in the FIR and as per the prosecution story, they were part of the unlawful assembly, the common object of which was to cause death of Anmolpreet Singh. Furthermore, they had taken part in the conspiracy to commit that murder. Although the Innova car, which had hit Anmolpreet Singh was being driven by Lovepreet Singh @ Labha as per the prosecution story but then as far as Kiranpreet Kaur @ Maro @ Ninder Kaur is concerned, she is alleged to have called complainant Gurbhinder Singh and Anmolpreet Singh to the spot and summoned her co-accused Lovepreet Singh @ Labha, Nishan Singh, Aman Singh @ Mani and other unidentified persons to threaten the former. When after Gurbhinder Singh and Anmolpreet Singh had fallen

down on account of their motorcycle being hit by Innova vehicle, then accused Lovepreet Singh @ Labha, Aman Singh @ Mani, Nishan Singh and other unidentified persons had got down from the Innova car and slapped the complainant and Anmolpreet Singh.

Section 149 IPC provides that if an offence is committed by any member of an unlawful assembly in prosecution of the common object of that assembly, or such as the members of that assembly knew to be likely to be committed in prosecution of that object, every person who, at the time of the committing of that offence, is a member of the same assembly, is guilty of that offence.

The custodial interrogation of the petitioners is required for complete and effective investigation to find out as to how the incident was planned and executed. In case custodial interrogation of the petitioners 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.

Finding no merits in the petitions, the same stand dismissed accordingly.

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It may be mentioned here that nothing discussed hereinabove shall have any bearing on the merits of the case.

25.3.2021
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(H.S. MADAAN)
JUDGE

- 1. Whether reportable? **No**
- 2. Whether speaking / reasoned? **Yes**