

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M- 1891 of 2021 (O&M)

Date of decision : 14.1.2021

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Lovepreet Singh

.....Petitioner

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr.N.K. Manchanda, Advocate for the petitioner

Mr. J.S. Ghuman, Deputy Advocate General,
Punjab.

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H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

This petition for pre-arrest bail under Section 438 Cr.P.C., has been filed by petitioner – Lovepreet Singh, aged about 21 years, s/o Tarsem Singh, resident of village Bhangar, Tehsil and District Ferozepur, an accused in FIR No. 68 dated 4.7.2020, for offences under Sections 307, 324, 323, 188, 148, 149 IPC, registered at Police Station Ghall Khurd, District Ferozepur.

Briefly stated, facts of the case, as per prosecution story, are that on 30.6.2020, at about 8.00 P.M. while complainant Harpreet Singh s/o Sukhpal Singh r/o village Bhangar, PS Ghall Khurd, District Ferozepur, alongwith his cousin brother Gurpreet Singh s/o

Darshan Singh were returning home after purchasing kiriyana articles, when they reached near the street turn towards their house, then petitioner – Lovepreet Singh armed with an iron rod, Tarsem Singh armed with a dang, Gurwinder Singh armed with a gandasa, Gora Singh armed with a base ball bat, Soni Singh empty handed, all residents of Bhangar alongwith 3-4 unknown persons came there. Soni Singh raised a lalkara that complainant and Gurpreet Singh should be caught hold of and taught a lesson for taking their sheep in their fields. Hearing that , Tarsem gave two dang blows to Gurpreet Singh hitting him in left arm and his left leg. Gurwinder Singh gave a gandasa blow hitting Gurpreet Singh on back side of his head. Lovepreet Singh gave two rod blows to the complainant with an intention to kill him, hitting the complainant on right side of his head and upper side of the ear. After suffering injuries, the complainant fell down. Then Gora Singh gave a base ball bat blow to Kulwinder Singh- cousin brother of the complainant. Both the injured raised alarm. Family members of complainant and neighbours came at the spot. Then all the accused ran away from the place of incident alongwith their respective weapons. The injured were taken to the hospital, where they were medically treated and medico legally examined. The motive for the incident was that the accused nursed a grudge that uncle of the complainant take his sheep to a place on account of summer. After the matter was reported to the police, the police recorded statement of complainant – Harpreet Singh on the basis of which formal FIR was registered.

Apprehending his arrest in this case, petitioner Lovepreet Singh had approached the Court of Sessions at Ferozepur, seeking pre-arrest bail. His such application, was assigned to Additional Sessions Judge, Ferozepur, who vide order dated 2.12.2020, had dismissed the application. As such, the petitioner has approached this Court craving for similar relief, which request is being opposed by learned State counsel.

I have heard, learned counsel for the petitioner, learned State counsel, besides going through the record and I find that facts and circumstances of the case do not warrant grant of discretionary equitable relief of pre-arrest bail to the petitioner.

As per the settled law, pre-arrest bail is not to be granted in routine, but in exceptional circumstances, to save the innocent persons from harassment and any inconvenience and not to shield the criminals from arrest and custodial interrogation.

In the present case the petitioner is named in the FIR and he alongwith his co-accused while armed with an iron rod which is a dangerous weapon, had constituted an unlawful assembly, which indulged in rioting and in pursuance of common object of the unlawful assembly, they had caused injuries to the complainant and Gurpeet Singh, which constituted merciless assault. The petitioner is stated to have caused two blows with rod to the complainant hitting him on vital part i.e. right side of the head and upper side of ear. Such act and conduct of petitioner cannot be taken lightly. He is vicariously liable for the injuries caused by his co-accused. I find

that custodial interrogation of the petitioner is required for complete and effective investigation and for effecting recovery of the weapon used in the incident.

In case custodial interrogation of the petitioner is denied to the investigating agency, that would leave many lacuna, loopholes and gaps in the investigation, adversely affecting the investigation, which is not called for.

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

However, nothing discussed above shall have any bearing on the merits of the case.

14.1.2021
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No