

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

CRM-M-3636-2021

Date of decision:-27.1.2021

Lovepreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.Vinay Kumar, Advocate  
for the petitioner.

Mr. Saurav Khurana, 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 – Lovepreet Singh, aged about 30 years, resident of village Chicha, District Amritsar, an accused in FIR No.192 dated 29.11.2020, under Sections 326, 323, 34 IPC, registered with Police Station Gharinda, District Amritsar.

Briefly stated, the facts of the case as per the prosecution story are that on 24.10.2020, complainant Nirmaljit Singh son of Balwinder Singh, resident of Bhakna Kalan, aged about 31 years, an Agriculturist by avocation had gone to his fields, where petitioner/accused Lovepreet Singh armed with a sickle along with Prakash Singh son of

Achhar Singh, resident of Chicha having spade handle came there; on alarm being raised by Prakash Singh, petitioner Lovepreet Singh gave sickle blow to the complainant, hitting him on his left arm, whereas Prakash Singh showered spade handle blows upon the complainant, hitting him on backside of his head, left shoulder and nose; the alarm raised by the complainant/injured attracted his brother Satnam Singh; on his arrival, the assailants ran away from the spot along with their respective weapons. The injured was taken to Civil Hospital, Lopoke by his brother Satnam Singh, where he was medically treated and medico-legally examined. Certain respectables tried to get the matter patched up between the parties, but such efforts did not succeed, therefore, the matter was reported to the police and formal FIR was registered. The motive for the incident was the dispute with regard to boundary wall of house of complainant since it had been got damaged by Lovepreet Singh present petitioner earlier to the incident.

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, which was assigned to learned Additional Sessions Judge, Amritsar. However, his such request was declined by learned Additional Sessions Judge, Amritsar vide order dated 15.1.2021. As such, the present petitioner has approached this Court by way of filing the instant petition asking for the similar relief.

Notice of the petition was issued to respondent – State. Mr.Saurav Khurana, DAG, Punjab has appeared on behalf of respondent – State and accepts notice on its behalf. He opposes the petition.

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

Learned counsel for the petitioner has contended that it is a case of version and cross-version and petitioner himself had also received injuries. He has drawn my attention to MLR of petitioner/accused in that regard stating that only during the trial, it would be determined as to which of the party was aggressor. He further submits that the petitioner, who is of young age be given an opportunity to join investigation.

Whereas the petition is opposed vehemently by learned State counsel.

After hearing the rival contentions and going through the record, I find little merit in the present petition. As per the prosecution story, the grievous injury on the person of complainant/injured Nirmaljit Singh has been attributed to the present petitioner.

With regard to the cross version of the incident, there is nothing on record to show as to whether any DDR in that regard has been recorded by the petitioner or any other person from his side. The MLR of the petitioner goes to show that the injuries noticed on his person included a lacerated wound over bridge of nose and the petitioner alleging pain on upper part of right lower leg with mild swelling present there. Both the injuries have been opined to be simple in nature. There could be possibility of the injuries being self-suffered or caused with a friendly hand. As against that injury attributed to him is with a sharp edged weapon and grievous in nature.

Therefore, facts and circumstances of the case do not warrant

grant of discretionary equitable relief of pre arrest bail to the petitioner since it 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.

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.

Custodial interrogation of the petitioner is definitely required for unfolding the complete story as to how the incident was planned and executed and involvement of other persons, if any in the planning and execution of the incident. The weapon used in the incident is also to be recovered from the petitioner. 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.

27.1.2021  
Brij

(H.S.MADAAN)  
JUDGE

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

**Whether reportable : Yes/No**