

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

CRM-M-6444-2021

Date of decision:-11.2.2021

Lakhveer Singh @ Lakha

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.Navjot Singh, Advocate
for the petitioner.

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

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Lakhveer Singh @ Lakha, aged about 34 years, resident of village Middu Man, Mehmuana, Faridkot, an accused in FIR No.14 dated 17.1.2021, under Sections 379-B, 332, 353, 186, 341, 148 and 149 IPC, registered with Police Station City, Fairdkot.

The FIR in this case was got recorded by complainant ASI Jagjeet Singh, aged about 45 years, posted at Police Station City, Faridkot, who on 17.1.2021 along with other police officials on getting information had gone to a place on backside of sheller in Kande Wali Gali, Faridkot at 12:00 noon, where a cock fight show was being organized. Several people had gathered there. Complainant ASI Jagjeet Singh inquired about the organizers of the programme. In the meanwhile, Sherry Dhillon, resident of Bathinda came and snatched mobile phone of ASI Sukhwinder Singh, a

member of the police party. Complainant ASI Jagjeet Singh and ASI Sukhwinder Singh tried to take back the mobile phone from Sherry Dhillon but he did not return it, rather Sherry Dhillon along with Lakhveer Singh @ Lakha (present petitioner) and 20-25 unknown persons started beating up the complainant ASI Jagjeet Singh and ASI Sukhwinder Singh with sticks and baseball bats. Petitioner/accused Lakhveer Singh @ Lakha gave stick blow to the complainant hitting on top of his nose, whereas Sherry Dhillon gave stick blow to the complainant on right side of his face. Lakhveer Singh @ Lakha gave stick blow to the complainant hitting him on left side of face, whereas two unknown persons gave baseball bat blows on both legs of the complainant. Other unknown persons threw complainant on floor and his turban got removed and uniform was torn. While he was lying on the ground, he was given kick blows. On alarm being raised by complainant ASI Jagjeet Singh as well as ASI Sukhwinder Singh, the assailants ran away along with their respective weapons and they took away his official file and mobile phone of ASI Sukhwinder Singh. The complainant was taken to Civil Hospital, Faridkot by ASI Sukhwinder Singh and he was got admitted there. ASI Jagjeet Singh got his statement recorded with police of Police Station City, Faridkot, on the basis of which formal FIR was registered.

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, Faridkot. However, his such request was declined by learned Additional Sessions Judge, Faridkot vide detailed order dated 3.2.2021.

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.J.S. Ghuman, 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.

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.

The petitioner is specifically named in the FIR and as per the allegations therein he along with his co-accused had assaulted the complainant ASI Jagjeet Singh as well as ASI Sukhwinder Singh causing injuries to them while the complainant and ASI Sukhwinder Singh being members of police force, as such public servants, were on official duty. In the incident turban of complainant was taken off and his uniform was torn. Obviously obstruction was caused in the official duty of ASI Jagjeet Singh and ASI Sukhwinder Singh.

Such type of conduct cannot be taken lightly since if culprits indulging in assaulting public servants on duty are dealt with leniency, then the public servants would get demoralized and disheartened, in the process affecting their efficiency and devotion to the duty sending a wrong signal in the society that one can use force against the public servants and get away very easily.

The petitioner has to be held accountable to explain as to why did he along with his go-assailants had assaulted the public servants on duty obstructing them from performing their official duties. The recovery of mobile phone of ASI Sukhwinder Singh and file containing official papers is also to be effected. The custodial interrogation of the petitioner is required to effect the recovery and to get complete information with regard to happening of the incident. 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.

Therefore, considering all the facts and circumstances of the case, the petition is doomed for failure and is dismissed accordingly.

11.2.2021
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No