

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

CRM-M-9037-2021

Date of decision:-25.2.2021

Sukhwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.Hemender Goswami, 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 – Sukhwinder Singh, aged about 28 years, resident of village Gurre, Tehsil Jagraon, District Ludhiana, an accused in FIR No.237 dated 18.7.2018, under Sections 452, 341, 323, 324, 325, 148 and 149 IPC, registered with Police Station Dakha, Ludhiana.

In nutshell, the prosecution story is that on 16.7.2018 at about 9:10 p.m., while complainant Sukhraj Singh was going to the house of his brother Paramjit Singh on coming to know that an altercation had taken place between his brother Paramjit Singh and Sarabjit Singh and when the

complainant had reached near the house of Chamkaur Singh, then petitioner accused Sukhwinder Singh and Jaspal Singh @ Jassa waylaid him and caused injuries on his person with weapons. The complainant/injured was hospitalized where he was medically treated and medico-legally examined. On information being given to the police, formal FIR in the matter was recorded. Thereafter, investigation in the case started.

Apprehending their arrest in this case, the present petitioner and his co-accused Jaspal Singh had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, which was assigned to learned Additional Sessions Judge, Ludhiana. However, their such request was declined by learned Additional Sessions Judge, Ludhiana vide detailed order dated 20.11.2018. 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.

A perusal of the record goes to show that learned Additional Sessions Judge, Ludhiana vide order dated 25.10.2018 had granted interim bail to the petitioner and his co-accused directing them to join the investigation on 29.10.2018 at 11:00 a.m. However, the petitioner and his co-accused had failed to do so. Learned Additional Sessions Judge had

passed order dated 20.11.2018, which for ready reference is being reproduced as under:

Investigating Officer ASI Hakam Singh No.404/LDH(R) appeared and suffered a statement that accused / applicants namely Sukhwinder Singh and Jaspal Singh have not joined investigation in the present case till date in pursuance to order dated 25.10.2018 passed by this Hon'ble court.

In the present case, vide order dated 25.10.2018, accused / applicants was granted pre-arrest bail and was directed to join investigation with Investigating Officer on 29.10.2018 at 11 a.m. Accused / applicants did not turn up for joining investigation. As accused / applicants have not joined investigation till date, therefore, this court is of the opinion that no useful purpose would be served by extending time to accused/applicants to join investigation, particularly when no one has turned upon on their behalf, which shows that accused / applicants are not interested in pursuing the present bail application. Accordingly, the same is hereby dismissed and file be consigned to record room.

Therefore, the petitioner, who had flouted the order passed by learned Additional Sessions Judge, Ludhiana with regard to joining of investigation and rather there was no representation on his behalf in the Court on 20.11.2018, is not entitled to any sympathetic treatment. His non-compliance with the order passed by Additional Sessions Judge, Ludhiana is to be viewed with all the seriousness because the petitioner

who did not comply with the order passed by the Court of competent jurisdiction now cannot be expected to comply with the terms and conditions, which may be imposed upon him, if his petition for pre-arrest bail is accepted and such relief is granted to him.

Even otherwise, the allegations against the petitioner are very grave and serious warranting grant of custodial interrogation, which is required for complete and effective interrogation. 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. The recovery of weapons is to be effected from the petitioner.

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 merit in the petition, the same stands dismissed.

25.2.2021
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No