

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

CRM-M-11886-2021(O&M)

Date of decision:-20.4.2021

Ranjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

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

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

Mr.D.V. Dhindsa, Advocate
for the complainant.

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 Ranjit Singh, aged about 26 years, resident of vilage Handesra, Tehsil Dera Bassi, District SAS Nagar (Mohali), an accused in FIR No.9 dated 11.2.2021, under Sections 307, 323, 324, 506, 34 IPC, registered with Police Station Handesra, District SAS Nagar.

In nutshell, the prosecution story is that on 09.02.2021, complainant Iqbal Singh @ Bala along with Taranjit Singh @ Laali had gone to Handesra Relieved Gym when at about 06:30 PM, Ranjit Singh @ Jeetu, Gagandeep Singh @ Gagan and Lovely reached there and attacked Iqbal Singh @ Bala inasmuch as Ranjit Singh had caught complainant

from his neck, Gagandeep Singh @ Gagan from his left arm, Lovely from right arm and Ranjit Singh gave knife blow to the complainant, which landed on his head; when Taranjit Singh @ Laali came forward to save him then Ranjit Singh attacked him with a knife, resultantly Taranjit Singh @ Laali got injured and fell on the ground; when complainant went out of the gym to save himself, then Ranjit Singh followed him and gave another knife blow to him; on alarm being raised by the complainant, Gurpreet Singh @ Ladi and Parminder Singh came there; while leaving the spot Ranjit Singh gave threats to the complainant that he would kill him by bullet on next time. Injured Iqbal Singh @ Bala (complainant) and Taranjit Singh alias Laali were taken to Civil Hospital Dera Bassi by Gurpreet Singh and Parminder Singh from where they were referred to GMCH, Sector 32, Chandigarh. They were medically treated and medico-legally examined. On information being given to police, formal FIR was recorded. Injury is on the person of Iqbal Singh @ Bala and Taranjit Singh @ Laali were found to be grievous in nature. It needs to be mentioned here that Ranjit Singh had got his statement recorded with the police on 10.02.2021 to the effect that Iqbal Singh @ Bala and Taranjit Singh @ Laali has caused injuries to him regarding which an entry in the DDR was made for offences under Sections 320 and 506 IPC.

Apprehending his arrest, the petitioner had approached the Court of Sessions at SAS Nagar (Mohali) by moving an application for pre-arrest bail, which was assigned to Additional Sessions Judge, SAS Nagar (Mohali), however, his such application was dismissed by the said Court vide detailed order dated 8.3.2021. As such, the present petitioner

has approached this Court by way of filing the instant petition asking for the similar relief, which request is being opposed by the State counsel and counsel for the complainant.

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

The petitioner is specifically named in the FIR and he is alleged to have taken an active part in the incident in which complainant Iqbal Singh @ Bala and Taranjit Singh @ Laali had suffered grievous injuries. Ranjit Singh came out to be the main culprit having caught the complainant from his neck, whereas his co-accused Gagandeep Singh @ Gagan and Lovely had caught the complainant from his arms and then it was Ranjit Singh, who is said to have given knife blow to the complainant hitting him on his head besides attacking Taranjit Singh @ Laali with knife. In that very incident, Ranjit Singh is said to have given another knife blow to the complainant. As per MLR of Iqbal Singh, he had suffered nine injuries caused with a sharp edged weapon including a grievous injury, whereas according to the MLR of Taranjit Singh @ Laali, he had suffered four injuries, three of them having been caused by sharp edged weapon and one with blunt weapon and one injury was declared to be grievous in nature involving fracture of the bone. Not only the allegations against the petitioner are grave and serious but his custodial interrogation is required to effect the recovery of knife used in the incident and for unfolding the complete story with regard to planning and execution of the incident, the role played by each of the assailant. 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.

The grant of anticipatory bail shall certainly put hindrance and obstruction in free and inhibited investigation by the police. Although the counter version of the incident is said to be there, which was reported to the police by present petitioner Ranjit Singh himself stating that on 9.2.2021 complainant Iqbal Singh @ Bala along with Taranjit Singh @ Laali had come to the petitioner while he was doing exercise in the gym; Taranjit Singh @ Laali had given iron rod blow on the head of the petitioner and Iabal Singh @ Bala had caught hold of him from his hair and smashed his GAATRA, attacking petitioner with sword on head. In the attack Ranjit Singh had suffered injury on his right arm and left arm and it was only then that petitioner picked up the smashing GAATRA and attacked Iqbal Singh @ Bala and Taranjit Singh @ Laali in his self defence. It is a matter of trial as to which of the party was aggressor and at this stage no clear finding in that regard can be given. Other contentions raised by learned counsel for the petitioner regarding delay in lodging of the report etc. are with regard to merits of the case, which are not to be decided in these proceedings but during the trial.

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

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

20.4.2021

Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No