

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

**101**

**CRM-M-33630-2021.**

**Date of Decision: 08.09.2021.**

Ranjit Singh

....Petitioner.

Versus

State of Punjab

....Respondent.

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**CORAM: HON'BLE MR. JUSTICE LALIT BATRA**

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**Present:** Ms. G.K. Mann, Senior Advocate, with  
Mr. Sunil Kumar, Advocate for petitioner.

Mr. Mehardeep Singh, Additional Advocate General, Punjab.

Mr. Rajinder Sharma, Advocate for complainant.

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**Lalit Batra, J.(Oral)**

This petition under Section 438 Cr.P.C. has been moved by petitioner-**Ranjit Singh** for grant of pre-arrest bail in case FIR No.140 dated 04.07.2020 under Sections 148, 323, 324 and 452 IPC read with Section 149 IPC (offence under Section 307 IPC added lateron), registered at Police Station Chattiwind, District Amritsar Rural.

In compliance of order dated 19.08.2021, status report dated 01.09.2021 by way of affidavit of Baldev Singh, PPS, Deputy Superintendent of Police, Attari, District Amritsar Rural, on behalf of respondent-State has been filed and the same is taken on record.

Learned senior counsel for the petitioner *inter alia* contends that allegations levelled in the FIR are totally concocted, false and frivolous and there is no iota of truth therein. She further urges that though alleged

occurrence took place on 02.07.2020, whereas present FIR was lodged on 04.07.2020 and as such there was inordinate delay of 02 days in lodging the FIR and that too unexplained one, which creates doubt in the veracity of complainant's version. She further submits that initially FIR was registered under Sections 148, 323, 324 and 452 IPC read with Section 149 IPC but later on, complainant in connivance with doctors, got declared injuries 'dangerous to life'. She further submits that it is a case of version and cross-version and as a matter of fact, petitioner-party had sustained injuries at the hands of complainant-party and qua that, cross-version vide GDR No.40 dated 17.07.2020 under Sections 148, 323 and 325 IPC read with Section 149 IPC was registered at Police Station Chattiwind, District Amritsar Rural, on the statement of Jasbir Kaur (mother of petitioner). She further submits that it is yet to be decided during the course of trial as to which party was aggressor one. She further submits that co-accused namely Kashmir Singh and Lovepreet Singh have already been extended concession of pre-arrest bail by Sessions Court, vide order dated 18.03.2021 (Annexure P/4). She further submits that though petitioner has no nexus whatsoever with the alleged offence, he is ready to join investigation as and when called upon to do so by the Investigating Agency, thus, concession of pre-arrest bail may be extended to him.

On the other hand, learned State counsel while opposing the cause of petitioner has vehemently argued that on 02.07.2020 at about 7:15 PM, petitioner alongwith co-accused while armed with sickle trespassed into the house of complainant-Kuldeep Singh and then inflicted sickle blow on right side of his temple and the said injury has been declared 'dangerous

to life' and on the basis thereof, offence under Section 307 IPC was added, vide GDR No.29 dated 14.07.2020. He further urges that in view of nature of offence committed by the petitioner, his custodial interrogation is required to unveil the truth as well as to effect recovery of weapon of offence and as such he is not entitled for the concession of pre-arrest bail.

I have heard learned counsel for the parties and have carefully gone through the record of the case.

Without commenting anything on the merits of the case, lest it may prejudice the case of either of the parties, allegedly petitioner alongwith co-accused while armed with deadly weapons committed trespass into the house of complainant-Kuldeep Singh and inflicted injuries on his person and out of those injuries, injuries No.1 and 2 have been declared 'dangerous to life' and one of said injuries is specifically attributed to the petitioner. Pre-arrest bail is not to be granted as a matter of routine/course in all cases. The grant or refusal of such bail depends on the variety of circumstances, the cumulative effect of which, should enter the judicial verdict. The power under Section 438 Cr.P.C. is to be exercised sparingly and in exceptional cases keeping into focus the facts and circumstances of each case. At the same time, it is well-settled that the order of anticipatory bail cannot be allowed to circumvent normal procedure of arrest and investigation by the police. The Court has also to see that the investigation is in the province of the police and an order of anticipatory bail should not operate as an in-road into the statutory investigational powers of the police, in exercising the judicial discretion in granting the anticipatory bail. The Court should not be unmindful of the difficulties likely to be faced by the Investigating Agency and the public interest likely to be affected thereby in

this relevant connection. In a given situation, custodial interrogation of petitioner is certainly required for complete and effective investigation. In case, same is denied to the Investigating Agency that shall leave many glaring loopholes and gaps, adversely affecting investigation, which is uncalled for. Keeping in view totality of entire scenario and nature of offence, no extra-ordinary ground has been made out in favour of petitioner for his entitlement of pre-arrest bail.

As a sequel to above, instant petition for grant of pre-arrest bail moved by the petitioner is dismissed.

**(LALIT BATRA)**  
**JUDGE**

**08.09.2021**  
*jitender*

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No