

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

CRM-M-29525-2020 (O&M)

Date of decision: 27.01.2021

Arshdeep Singh

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr. KPS Virk, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for pre-arrest bail has been filed by petitioner Arshdeep Singh, an accused in FIR No.143 dated 21.06.2020, for offences under Sections 147, 148, 149, 285, 323, 506 of IPC (Section 307 IPC added later on), registered with Police Station Kalan Wali, District Sirsa.

The FIR in question was got recorded by complainant Surjeet Singh son of Mastan Singh, R/o Jagmalwali, aged about 60 years, who in the statement got recorded by him with the police stated that there is a pipe line passing through his fields going towards agriculture land of Pritam Singh son of Gurbachan Singh of his village; the said pipes were leaking for the last about 06 months, causing damage to his crops, as such, he had convened a panchayat in the village but the dispute could

not be resolved; on 20.06.2020, at about 01.00 in the afternoon, when the complainant along with his sons Gurjant Singh, Balwinder Singh and grandson Shaganpreet Singh were working in their fields; Shaganpreet Singh was cutting the jawar crop, whereas Iqbal Singh nephew of complainant was tilling the land about two acres away from them; at that time, Pritam Singh along with his son Kuldeep Singh @ Babbu, Jagsir Singh, Rajvir Singh sons of Kulwant Singh, Kulwinder Singh son of Balwant Singh, residents of Village Jagmalwali along with Gurjeet Singh son of Jagga, Jagga son of Harnek Singh, Dara Singh son of Ajaib Singh, Jasveer Singh @ Seera son of Karam Singh @ Gagga, Jaskaran Singh son of Karam Singh, residents of Jhordrohi came there; they were accompanied by 10-12 other persons; they had come to the spot in Bolero Camper and Alto car; Kuldeep Singh was armed with a pistol whereas remaining assailants were having iron rods and pipes; all of them attacked upon complainant and his two sons; complainant and his sons suffered multiple injuries; Kuldeep had fired a shot at the complainant, which passed over his head; the incident was captured in a video prepared by Shaganpreet Singh, grandson of the complainant; on alarm being raised by the injured, all the accused ran away from the spot along with their respective weapons, giving threats; the injured were first taken to their house and then removed to General Hospital, Odha from where, they were referred to General Hospital, Sirsa and got admitted there; they were medically treated and medico-legally examined; on information being given to the police, formal FIR in the matter was recorded.

Apprehending his arrest in this case, petitioner/accused had approached the Courts of Sessions at Sirsa by moving an application for grant of pre-arrest bail. His such application was assigned to Addl. Sessions Judge, Sirsa, who vide order dated 14.09.2020, dismissed the same. Feeling aggrieved, the petitioner has approached this Court, craving for grant of similar relief, which request is being opposed by the State counsel.

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

Pre-arrest bail is a discretionary equitable relief, which is to be granted by the Court in rare and exceptional circumstances to save the innocent persons from harassment and inconvenience and not to provide protective umbrella to the criminals enabling them to avoid arrest. Here the allegations against the petitioner are quite grave and serious. Though, he is not specifically named in the FIR and his name cropped up during interrogation of co-accused Kuldeep @ Babbu who had disclosed that on 19.06.2020, he had brought a pistol and cartridge from son of his brother in-law Arshdeep Singh, (present petitioner). That pistol had been used in the incident inasmuch as Kuldeep Singh had fired a shot at complainant from that pistol, which fortunately did not hit him. Furthermore, not only the present petitioner is said to have provided pistol and cartridge to Kuldeep, he is also alleged to have collected 3-4 persons from his friend circle of his village, arranged a Camper Jeep and along with his such associates, had joined other accused in the incident, taking active part in

causing injuries to the complainant and his sons. Such act and conduct of the petitioner needs to be taken with all the seriousness. He cannot take advantage of the fact that he is not named in the FIR and his name cropped up in the interrogation of co-accused Kuldeep.

The argument raised by learned counsel for the petitioner that such statement of co-accused is not admissible, is totally misconceived and unacceptable. Statement suffered by a co-accused during investigation can certainly be taken into consideration for providing lead in the investigation and even otherwise, it is admissible under Section 30 of the Indian Evidence Act. In the FIR, the complainant has referred to several unidentified persons accompanying the named assailants, the identity of one of such unidentified person came out to be Arshdeep Singh-petitioner. Though, the petitioner is said to have joined the investigation but as informed by the State counsel, he has not rendered full cooperation and his custodial interrogation is necessary.

Keeping in view the seriousness of allegations against the petitioner, which alone do not warrant grant of discretionary equitable relief of pre-arrest bail to him. His custodial interrogation is also found to be necessary for complete and effective investigation. Thus, finding no merit in the instant petition, the same stands dismissed.

27.01.2021

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No