

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

101+209

**CRM-1716-2021 in/and
CRM-M-40493-2020.
Date of Decision: 27.01.2021.**

Sukhwinder Singh @ Babbu

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Chandan Singh Rana, Advocate for applicant/petitioner.

Mr. Mehardeep Singh, Additional Advocate General, Punjab.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

CRM-1716-2021

This application under Section 482 Cr.P.C. is for placing on record copies of judgments/orders as Annexures P/2 to P/4.

Copies of judgments/orders (Annexures P/2 to P/4) are taken on record, subject to just exceptions.

CRM is allowed.

CRM-M-40493-2020

This 2nd petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to petitioner in case FIR No.122 dated 14.06.2020 under Sections 148, 307, 323, 324, 341 and 506 IPC read with Section 149 IPC, registered at Police Station Kotwali Kapurthala, District Kapurthala.

Learned counsel for the petitioner *inter alia* contends that the allegations levelled in the FIR are totally concocted, false and frivolous and there is no iota of truth therein. He further submits that there was delay of ten hours in registration of FIR and that too unexplained one. He further urges that alleged injury on the left side of chest of injured-Makhan Singh and that too caused by sharp-edged weapon (*Kirch*) attributed to petitioner, said injury does not satisfy entire ingredients to invoke the provisions of Section 307 IPC. He further urges that no recovery is to be effected at the instance of the petitioner. He further urges 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 petitioner gave *Kirch* blow on the left side of chest of injured-Makhan Singh and the said injury (injury No.3 as mentioned in the MLR) caused by sharp-edged weapon, led to hemothorax and pnenmothorax and as such that injury was declared 'dangerous to life' by the treating Surgeon. He further urges that petitioner had also inflicted *Kirch* blow on the left side of chest of injured-Kulwant Singh and the said injury (injury No.6 as mentioned in the MLR) caused by sharp-edged weapon has been declared 'simple in nature'. He further urges that weapon used during the commission of offence is yet to be recovered from the petitioner. He further urges that in view of nature of offence committed by petitioner, his custodial interrogation is required to reveal the

I have heard learned counsel for the parties and have carefully gone through the contents of petition as well as reply furnished at the instance of respondent-State.

Without commenting anything on the merits of the case, lest it may prejudice the case of either of the parties, allegedly petitioner inflicted *Kirch* blow on the left side of chest of injured-Makhan Singh, which injury has been declared 'dangerous to life'. Apart from that, allegedly petitioner inflicted *Kirch* blow on the left side of chest of injured-Kulwant Singh, which injury has been declared 'simple in nature'. Pre-arrest bail to an accused should be granted in exceptional circumstances as a person couched in comparative safety of the pre-arrest bail would certainly not disclose all the facts within his knowledge. 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

27.01.2021
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Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No