

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

**203**

**CRM-M-42082-2020.**

**Date of Decision: 10.02.2021.**

Harpreet Singh @ Happy

....Petitioner.

Versus

State of Punjab

....Respondent.

\*\*\*

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

----

**Present:** Mr. Umesh Aggarwal, Advocate for petitioner.

Mr. Mehardeep Singh, Additional Advocate General, Punjab.

Mr. Suneet Singh Deol, Advocate for complainant.

\*\*\*\*\*

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

Case has been taken up for hearing through Video Conferencing.

This petition under Section 438 Cr.P.C. has been moved by petitioner for grant of pre-arrest bail in case FIR No.155 dated 22.09.2020 under Sections 148, 323, 324, 336, 379-B, 452 and 506 IPC read with Section 149 IPC (Section 307 IPC added lateron) and Section 25 of Arms Act, registered at Police Station Gharinda, Amritsar Rural, District Amritsar.

Learned 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. He further urges that no such incident as

person of complainant-party has been attributed to the petitioner. He further urges that co-accused Gurlal Singh, to whom grievous injury on the person of injured-Kulwant Kaur has been attributed, said Gurlal Singh has already been extended concession of interim protection by this Court, vide order dated 27.11.2020 passed in CRM-M-33896-2020. He further urges that as a matter of fact, complainant-party headed by Ramandeep Singh @ Raman while standing on the roof of their house started firing and, as a result of which, co-accused Gurlal Singh, brother of petitioner, had sustained fire-arm injury on the back of his right shoulder. He further urges that when Gurlal Singh was retreating to save his life, he was inflicted *Kirpan* blow on the left side of his forehead by Kulwant Kaur and immediately after the occurrence, he (Gurlal Singh) was taken to hospital, where he was medico-legally examined. He further urges that on account of injuries sustained in the above said incident, Gurlal Singh was operated upon on 29.09.2020 at Shri Guru Nanak Dev Hospital, Amritsar, where foreign metallic pellets were extracted from his body. He further urges that though efforts were made at the instance of petitioner-party to get their version registered with the Police, but to no avail. He 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 assisted by learned counsel for the complainant while opposing the cause of petitioner has vehemently argued that petitioner while driving car make *i-20* at fast speed directly hit against complainant-Swaran Singh, as a result of which, he

on his person. He further urges that petitioner while armed with pistol fired several shots in the air and further while having entered into the house of complainant pulled him outside the house and then petitioner alongwith co-accused inflicted multiple injuries on the person of Kulwant Kaur as well. He further urges that Kulwant Kaur had sustained as many as nine injuries on her person and out of those injuries, one injury has been declared grievous in nature. He further urges that entire incident was captured in the CCTV camera, as is evident from CCTV camera footage (Annexure R/1). He further urges that petitioner is habitual offender as he is involved in number of criminal cases (two cases under Section 307 IPC). He further urges that co-accused Gurlal Singh during the course of investigation has revealed that the pistol and car make *i-20* used in the commission of crime are in possession of petitioner. He further urges that weapon as well as car make *i-20* used in the commission of offence are yet to be recovered from the petitioner. He further urges that in view of nature of offence committed by the petitioner, his custodial interrogation is required to unearth the truth 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 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 while driving car make *i-20* at fast speed hit complainant-Swaran Singh in such a manner, as a result of which, injured-Swaran Singh was tossed in the air and sustained multiple injuries and thereby attempted to commit his murder.

Allegedly, petitioner while armed with pistol fired shots in the air and then while committing trespass into the house of complainant dragged him outside the house and then he alongwith co-accused inflicted injuries on the persons of complainant-Swaran Singh and his wife Kulwant Kaur. Apart from that, it has been specifically mentioned by respondent-State in its reply that petitioner is habitual offender being involved in two other cases under Section 307 IPC. 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**

**10.02.2021**

*jitender*

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No