

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

CRM-M-410-2021 (O&M)
Date of decision: 07.01.2021

Prabh Dayal

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr. Deepak Arora, Advocate with
Mr. Sandeep Arora, Advocate for the petitioner.

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

Mr. Digvijay Nagpal, Advocate for the complainant.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for pre-arrest bail has been filed by petitioner Prabh Dayal, an accused in FIR No.316 dated 27.11.2020, for offences under Sections 323, 324 and Section 326 IPC (added later on), registered at Police Station City Malout, District Sri Muktsar Sahib.

Briefly stated facts of the case as per prosecution version are that, on 26.11.2020, at about 5.00 PM, when Desh Raj resident of Bharat Nagar, near Prince Model School, Malout after purchasing some household articles was returning home from a shop in Saroop Wali gali, then Prabh Dayal (present petitioner) who was already

present there started giving abuses to Desh Raj; Desh Raj asked him why he was giving abuses to him, then Prabh Dayal caught hold of a wooden stick and gave blow therewith to Desh Raj, hitting him on his left arm; when Desh Raj tried to get away, then Prabh Dayal gave a bite with his teeth on his right hand; Desh Raj returned home and informed his family members in that regard; his son Deepak Kumar-complainant, aged about 25 years, went to house of Prabh Dayal to find out as to why he had given beatings to his father, then Prabh Dayal picked up an instrument being used to make tambi and hit the complainant therewith on his left ear and head as well as on left shoulder; when the complainant raised alarm, then Pankaj Kumar son of Vikramjit Singh, resident of Bharat Nagar, Malout came and rescued the complainant; thereafter, Prabh Dayal ran away along with his weapon; complainant/injured was hospitalized, where he was medically treated and medico-legally examined; on matter being reported to the police, formal FIR was registered on the basis of statement of the complainant Deepak Kumar; initially, it was for offences under Sections 324 and 323 IPC but subsequently, offence under Section 326 IPC was added.

Apprehending his arrest in this case, petitioner/accused had approached the Court of Sessions at Sri Muktsar Sahib, seeking pre-arrest bail by moving an application in that regard. His such application was, however, dismissed by learned Sessions Judge, Sri Muktsar Sahib, vide order dated 17.12.2020. Feeling aggrieved, the

petitioner has knocked at the door of this Court, praying for grant of similar relief.

Notice of motion.

Mr. J.S. Ghuman, DAG, Punjab accepts notice on behalf of the State and Mr. Digvijay Nagpal, Advocate has appeared on behalf of the complainant. Both the counsel have vehemently opposed the bail petition.

I have heard learned counsel for the parties besides going through the record and I find that no case for pre-arrest bail to the petitioner is made out. The petitioner is named in the FIR. He had not only caused injuries to Desh Raj but to his son Deepak Kumar-complainant. One of the injury on the person of complainant has been found to be grievous in nature on the vital part of the body i.e. between ear and skull. Custodial interrogation of the petitioner is definitely required to effect the recovery of weapon and to find out as to why he had assaulted the complainant and his father, causing injuries to them. In case, the custodial interrogation is denied to the investigating agency that shall leave many gaps and loopholes, adversely affecting the investigation, which is uncalled for. Thus, finding no merit in the instant petition, the same stands dismissed.

07.01.2021

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(H.S. MADAAN)
JUDGE

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