

CRM-M-8469 of 2023

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

CRM-M-8469 of 2023
Date of decision: 17.02.2023

Vishavdeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Ms. Isha Goyal, Advocate,
for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

NAMIT KUMAR, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.198 dated 09.10.2022 under Sections 302, 452, 450, 34 IPC (Section 452 IPC deleted and Section 450 IPC added vide Rapat No.19 of 26.12.2022) and Sections 25, 27 of the Arms Act, 1959 (Section 25 of the Arms Act deleted vide Rapat No.12 dated 19.12.2022), registered at Police Station Sadar Tarn Taran, District Tarn Taran.

FIR in the present case was registered against the petitioner, his father and mother on the basis of statement of Veerpal Kaur, aged 38 years, wife of Daljit Singh, son of Arjun Singh, resident of village Malmohri, recorded on 09.10.2022, to the effect that dispute regarding property existed between Daljit Singh, husband of

CRM-M-8469 of 2023

complainant and Bikramjit Singh, brother-in-law of complainant for the last 3-4 years. Bikramjit Singh is residing in Tarn Taran. Today, on 09.10.2022, when complainant alongwith her husband Daljit Singh, daughter Sukhmanpreet Kaur, and her father Amrik Singh, were present in her house, Bikramjit Singh came there alongwith his wife Jasbir Kaur and his son Vishavdeep Singh (present petitioner), on car bearing No.GJ-12-J-4813 and started abusing Daljit Singh with regard to the property dispute. They also threw brick bats at the house of complainant. Thereafter, at about 04.15 p.m., Bikramjit Singh armed with pistol, Jasbir Kaur and petitioner-Vishavdeep Singh empty handed, entered the house of complainant where Jasbir Kaur raised *lalkara* to shoot Daljit Singh for raising property dispute, upon which Bikramjit Singh fired a direct shot at Daljit Singh, who fell down. As complainant came forward to rescue her husband, Bikramjit Singh fired another shot which hit on the neck of Daljit Singh. Thereafter, the assailants fled away from the spot with their respective weapons while raising threats.

Learned counsel for the petitioner contends that petitioner who is a young boy of the age of 22 years, has been falsely implicated in the present case. He was neither present at the place of alleged occurrence nor any act has been attributed to him and he is ready and willing to join the investigation.

On receipt of advance copy of the paperbook, learned State counsel opposes the prayer for grant of anticipatory bail to the petitioner and submits that keeping in view the gravity of the offence

CRM-M-8469 of 2023

custodial interrogation of the petitioner is required for effective investigation. Therefore, petitioner is not entitled for grant of pre-arrest bail.

I have heard learned counsel for the parties and perused the record.

As per contents of the FIR, petitioner is alleged to have accompanied his father, who was armed with pistol, to the house of the complainant. A young life has been snuffed out in the said occurrence. Investigation is at the initial stage and role of the petitioner in the occurrence would be a matter of evidence and at this stage custodial interrogation of the petitioner is required.

In *State represented by the C.B.I. versus Anil Sharma, 1997(4) R.C.R.(Criminal) 268*, Hon'ble the Apex Court had observed that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is on anticipatory bail, in a case like this interrogation of suspected person is of tremendous advantage in getting useful information.

In *Jai Prakash Singh Versus State of Bihar and another etc., 2012(2) RCR (Criminal) 251*, Hon'ble the Apex Court observed that neither anticipatory bail nor regular bail can be granted as a matter of rule and the anticipatory bail being an extraordinary privilege should be granted only in exceptional cases.

Keeping in view the above facts and circumstances, the petitioner in the present case is not entitled for grant of anticipatory bail as no exceptional circumstance has been brought forth in that regard.

CRM-M-8469 of 2023

Custodial interrogation of the petitioner is necessary. The nature and gravity of offence/accusation is one of the prime factors to be taken into account while considering any bail petition. Accordingly, the present petition under Section 438 Cr.P.C. seeking grant of anticipatory bail to the petitioner is dismissed.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case

Dismissed.

17.02.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No