

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.**Sr. No.260****Case No. : CRM-M-9538-2023****Date of Decision : March 21, 2023**

Pargat Singh

.... Petitioner

vs.

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Kanwaljeet Singh Brar, Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab.

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GURBIR SINGH, J. :

This is a petition under Section 438 Cr.P.C., filed by the petitioner, seeking anticipatory bail in case FIR No.148 dated 26.10.2022 (Annexure P-1), under Sections 304 and 34 IPC, registered at Police Station Raman, District Bathinda.

Pursuant to order dated 16.03.2023, passed by this Court, Status Report by way of affidavit of Butta Singh, PPS, Deputy Superintendent of Police, Sub Division Talwandi Sabo, District Bathinda has been filed in Court today, which is ordered to be taken on record.

As per version of the complainant – Jaswinder Singh, his nephew Mehakdeep Singh @ Mehki, aged about 18 years, was a labourer, who became a drug addict. They made him understand and he started doing work with a mason. Pargat, Singh, Ritu Kaur (who used to reside in the

house of Pargat Singh) and Channi Singh, residents of Malkhana, were involved in criminal cases for selling contraband. Pargat Singh was released on bail. His nephew Mehakdeep Singh @ Mehki was on visiting terms with Pargat Singh and the complainant used to ask Mehki to leave the company of said Pargat Singh. On 25.10.2022, at about 08:30 PM, Pargat Singh and Channi Singh took Mehakdeep Singh @ Mehki from his house by saying that they were to bring motorcycle from Talwandi Sabo. At about 11:30 PM, the complainant and one Balvir Singh came near Kali Mata Mandir and saw that Pargat Singh, Ritu Kaur and Channi Singh were having conversation with Mehakdeep Singh @ Mehki. The complainant told his nephew Mehakdeep Singh @ Mehki to go home and thereafter, they went to their respective homes. The next morning, at about 07:30 AM, dead body of Mehakdeep Singh @ Mehki was lying at the bank of village pond, situated near temple.

Learned counsel for the petitioner submits that the complainant is the uncle of deceased Mehakdeep Singh @ Mehki. No complaint was filed by father of the deceased. There is no eye-witness to the occurrence. The petitioner never visited the house of Mehakdeep Singh @ Mehki. The petitioner has no concern with the death of Mehakdeep Singh @ Mehki. In fact, the petitioner never met Mehakdeep Singh @ Mehki on the fateful night. He has been falsely implicated by the complainant as there was a quarrel between the petitioner and Channi Singh on one side and the complainant on the other side. The co-accused namely Ritu Kaur has already been granted interim bail by this Court in CRM-M-57733-2022,

vide order dated 11.01.2023.

Learned State counsel has opposed the bail petition on the ground that Mehakdeep Singh @ Mehki died due to overdose of the drug. He was last seen in the company of the petitioner and others. He has further apprised this Court that five other cases are pending against the petitioner, out of which three are under the Punjab Excise Act and two relate to the NDPS Act. The petitioner is at present on bail. Unless custodial interrogation of the petitioner is not done, the case cannot be properly investigated.

Heard.

Perusal of the file shows that five other cases are pending against the petitioner including two under the NDPS Act. The petitioner is on bail. The deceased Mehakdeep Singh @ Mehki was a drug addict. It is necessary to know the source from where he was getting the contraband for his consumption. There are direct allegations that the petitioner and Channi Singh took Mehakdeep Singh @ Mehki from his house and at about of 11:30 PM, he was also seen in the company of petitioner and others. In the morning, dead body of Mehakdeep Singh @ Mehki was found. The purpose of interrogation is to bring truth on record. When a person is equipped with an order of anticipatory bail, the interrogation becomes a mere ritual. This view of mine finds support from a judgment passed in the case of **State represented by the C.B.I. vs. Anil Sharma** reported as **1997 (7) SCC 187** wherein it has been specifically held that :-

“...Success in such interrogation

would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual.”

Moreover, the petitioner is not a first offender. The co-accused Ritu Kaur was granted bail as no other case was pending against her and she pleaded that she was implicated only on the ground that she was wife of the petitioner.

Accordingly, keeping in view the gravity of the offence, the custodial interrogation of the petitioner is necessary and also in view of the fact that granting concession of anticipatory bail to the petitioner may hamper the investigation, no ground for grant of anticipatory bail is made out.

Dismissed.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

March 21, 2023
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.