

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

**CRM-M No.31988 of 2023 (O&M)
Date of Decision: 06.07.2023**

Kuldeep Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Vinay Kumar, Advocate for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of pre-arrest bail to the petitioner in case FIR No.18 dated 20.02.2023, under Sections 326, 323, 120-B, 148 & 149 of the Indian Penal Code, 1860 (Section 307, IPC added later on), registered at Police Station Valtaha, District Tarn Taran.

(2) As per prosecution case, on 17.02.2023, complainant-Inderjit Singh was coming from Bhikhiwind to his Village-Dolan on his motorcycle. At about 04:00 PM, when he reached Village Wada Telia, then from behind, young persons came on three motorcycles and by kicking his motorcycle threw it on the ground. Mangat Singh @ Manga, armed with *Datar*; Lovepreet Singh @ Ladda; Chanan Singh & Hira Singh, all three armed with *Kirpan* along with 2-3 unidentified persons, who were armed with Baseball came there. Mangat raised *lalkara* to catch hold the complaint and to kill him. On this, Lovepreet Singh @

Labha gave a *Kirpan* blow and that hit on his left wrist. Mangat Singh gave a *Datar* blow; whereas Chanan Singh gave a *Kirpan* blow on his right arm. Hira Singh also gave *Kirpan* blow on his left arm. When complainant fell down on the ground, then unknown persons gave him beatings with their respective weapons. Lovepreet Singh along with his associates caused him injuries with their respective weapons on his arms by saying that Kuldeep Singh had told them to kill the complainant. On raising alarm, one Doctor Ajit Singh along with other people reached at the spot. Upon seeing them, accused persons along with their respective weapons ran away from the spot on their motorcycles.

(3) It is contended by learned Counsel that petitioner was not present at the time of occurrence; nor any injury has been attributed to him.

Also contended that initially, petitioner was granted the benefit of pre-arrest bail by learned trial Court; but subsequently, rejected the same without any basis.

Further contended that petitioner is innocent and he has been falsely implicated by police in connivance with the complainant party.

(4) On the other hand, learned State Counsel after going through the police file submits that petitioner is the main kingpin and everything has been done at his instance. Also submitted that petitioner has been specifically named in the FIR and as such, his custodial interrogation is required to find out the truth.

(5) Heard both sides and perused the paper-book.

(6) No doubt, the petitioner was not present at the spot, but in the FIR, he has been specifically named and alleged to be the main conspirator.

(7) In view of the above, this Court is of the opinion that custodial interrogation of the petitioner would be necessary to unearth the truth. Hence, there is no option except to dismiss the petition.

(8) Ordered accordingly.

(9) The above observations may not be construed as an expression of opinion on merits of the case.

July 6th, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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