

104-1**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-37663-2023 (O&M)****Date of decision : 29.11.2023**

Gurpreet Singh and another

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ranbir Singh Sekhon, Advocate,
for the petitioners.

Mr. C.L. Pawar, Addl.A.G., Punjab.

Mr. Bir Davinder Singh, Advocate,
for the complainant.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioners in FIR No.89 dated 27.06.2023, under Sections 323, 324, 341, 506, 148 read with Section 149 of the Indian Penal Code, 1860 (for short, '*the IPC*') (Section 326 IPC added subsequently), registered at Police Station Meharban, District Ludhiana.

2. It transpires that above FIR was registered on the basis of statement made by one Gurmeet Kaur levelling allegations that her husband had expired and there was a property dispute with the son of her brother-in-law, namely, Karamjit Singh; and complainant was residing in the house of her sister-in-law namely Mandeep Kaur. It was

further alleged that on 26.06.2023 at about 05.00 PM, the complainant along with her sister-in-law Mandeep Kaur went to the electric motor installed in the field; then Karamjit Singh along with the petitioner No.1-Gurpreet Singh (who is complainant's daughter's son); petitioner No.2-Manpreet Singh; complainant's sister-in-law Jasvir Kaur; along with 4/5 unknown persons reached on two cars. Thereupon, Jasvir Kaur said that today the complainant will not be spared; she will be taught a lesson for filing court case against them. Jasvir Kaur caught hold of the complainant from behind, whereas, Karamjit Singh gave blow with a Daatar like weapon on the complainant's head; but she raised her left hand and said blow of Daatar hit on the complainant's hand. Jasvir Kaur then threw the complainant on ground by catching her from hair. Petitioners, Gurpreet Singh and Manpreet Singh gave kick blows on the abdomen and chest of complainant. When sister-in-law of complainant, namely, Mandeep Kaur tried to save the complainant, accused also gave beatings to her. Both victims tried to run away, but the accused again waylaid them and gave beatings. Due to oozing of blood from the injury on the hand, the complainant became unconscious, on which the said persons ran away on their cars while threatening the complainant and her sister-in-law Mandeep Kaur.

3. Contends that petitioners were granted interim pre-arrest bail by a Coordinate Bench vide order dated 06.09.2023, and in pursuance thereof, petitioners have joined investigation; hence their custodial interrogation is not required in the present case.

4. *Per contra*, learned State counsel, on instructions, submits that although, petitioners joined investigation; but they are not

cooperating and the weapons used by them are yet to be recovered. Further submits that petitioners are regularly threatening the complainant and misusing the concession of interim bail; hence, do not deserve the concession of pre-arrest bail.

5. Learned counsel for the complainant also opposed the prayer of petitioners on the premise that complainant is facing imminent threat to her life at the hands of petitioners.

6. Heard learned counsel for the parties and perused the paper-book.

7. It transpires that petitioners were granted interim pre-arrest bail by Coordinate Bench vide order dated 06.09.2023, in the following manner:-

Status report has already been filed in CRM-M-37663-2023. Learned State Counsel seeks further time to file status report CRM-M-40397-2023.

It transpires that complainant is fearful that if protection is granted to the petitioner he may get emboldened and commit further physical assault on the complainant. Being so, Investigating Officer is directed to verify the threat perceptions of the complainant at the hands of the petitioner. If so warranted, he would take appropriate remedial steps to allay her fears.

Learned counsel for the complainant also states that petitioner-Gurpreet has forcibly taken the car which is registered in the name of late husband of complainant and is not returning the same. Confronted, learned counsel for petitioner states that he has sought instructions from petitioner-Gurpreet and he shall restore the possession of car with the complainant within one week from today. Investigating Officer to ensure the needful.

Meanwhile, petitioner shall join investigation, as and when required by the Investigating Agency and subject to his reporting to the Investigating Officer within two weeks from today, no coercive steps qua arrest of the petitioner shall be taken. In case, his arrest is required to be caused, petitioner shall be released on bail by the Arresting Officer till the next date of hearing on his furnishing

personal bonds to the satisfaction of Arresting Officer. Petitioner shall also abide by all the conditions as envisaged under Section 438(2) Cr.P.C.

Adjourned to 15.11.2023.

A photocopy of this order be placed on the file of connected case.”

8. Thereafter, on 22.11.2023, this Court passed the following order:-

“H.C. Gurmeet Singh (Investigating Officer), present in the Court, shall visit on the spot and file his affidavit on or before the next date of hearing.

Posted for 29.11.2023.

Till the next date of hearing, interim order(s) in respective case(s) to continue.

In case there is a misuse of interim bail by the petitioner(s) in any manner, including threat to complainant side or any hindrance to the Investigating Officer or non-cooperation, this Court would be constrained to withdraw the interim protection.

*Be shown in the **urgent list**.*

Photocopy of this order be placed on the connected case(s).”

9. In compliance of the aforesaid order, affidavit of Gurmeet Singh, Head Constable, P.S. Meharban, Ludhiana, dated 29.11.2023, has been filed and the same is taken on record. For reference, para 3 of the above affidavit reads as under:-

“3. That in compliance to the above noted order of this Hon’ble Court, the answering deponent visited the spot and contacted the complainant on 24.11.2023 who stated that she has serious threat from the hands of the petitioners and their co-accused. She further stated that the petitioners have illegally put their lock on her electric motor room and have also dis-connected electricity and water supply to her house. She has further stated that the petitioners have also illegally taken into their possession the Agricultural Tools of her deceased husband. She further stated that the petitioners also

threaten and her daughter and due to fear of the petitioners, the complainant has left her daughter at her parental house.”

10. Perusal of the above extract reveals that complainant is facing continuous serious threat at the hands of petitioners. Also noteworthy that during investigation, after obtaining opinion of Medical Officer, offence under section 326 IPC has been added vide DDR No.26 dated 04.07.2023 and even petitioners are misusing the interim relief granted by this Court. The weapons allegedly used by the petitioners are yet to be recovered from them. Hence, custodial interrogation of the petitioners would be necessary.
11. In view of the above, there is no option except to dismiss the petition.
12. Ordered accordingly.
13. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
14. Pending application(s), if any, shall stand disposed off.

29.11.2023
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

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