

CRM-M-59456-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

222CRM-M-59456-2024
Date of decision: 20th December, 2024

Karnail Singh...Petitioner

Versus

State of Punjab...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. D.S. Virk, Advocate for the petitioner.
Mr. A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

CRM-49998-2024

This application has been filed by the applicant for placing on record the copy of the medical record dated 11.12.2024 as Annexure P-4.

For the reasons mentioned in the application, the same is allowed, subject to all just exceptions. Annexure P-4 is ordered to be taken on record.

Main case

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
211	18.08.2024	Sadar, Mansa, District Mansa	103, 3(5), 49 and 238 of Bharatiya Nyaya Sanhita, 2023 (for short ‘BNS’) and Section 27 of Arms Act, 1959 (offence under Sections 190, 191(3) of



			BNS deleted later on)
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2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement got recorded by complainant Karamjit Singh on 18.08.2024 alleging therein that on the same day, at about 8:00 AM, his son Sukhwinder Singh was standing outside the shop opposite Gaushala when the accused Narain Singh and his son Gurpreet Singh reached there on a motorcycle cart. Gurpreet Singh was holding a pistol. They stopped the motorcycle cart near the son of the complainant and fired a shot at him. Accused Narain Singh struck a blow with *gandasa* on the motorcycle cart and then caused injuries to his son. The complainant and one Makhan Singh who were passing through the way, were attracted on hearing the sound of firearm and rushed towards the spot. On seeing his son, the complainant raised alarm, on hearing which, the assailants fled from the spot. The victim succumbed to his injuries and died at the spot itself. The complainant alleged that in the year 2020, an altercation had taken place between the petitioner and his son. His son had caused injuries to the petitioner and one Harbans Singh and it was on account of that grudge that the accused Narain Singh, who is brother of accused Karnail Singh, by hatching a conspiracy with the petitioner, had killed his son. After registration of FIR, investigation proceedings were initiated and are underway. Apprehending his arrest, present petitioner had moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Mansa which was dismissed vide order dated

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21.11.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. He was not present at the spot. No specific overt act has been attributed to him. He has been named on the basis of suspicion. No incriminating evidence has been collected by the prosecution against him. It is a case of counter blast, since an FIR bearing No. 91 dated 02.09.2022, had been got registered by him against the members of the complainant party as on 02.09.2022 at Police Station Maur, Bathinda. No recovery is to be effected from him. His custodial interrogation is not required. He is ready to join the investigation. He is an ailing person and is totally bed ridden as he had suffered grievous injuries in his leg in the occurrence, which had taken place on 02.09.2022 and qua which FIR No. 91 was registered. Therefore, it is urged that he deserves to be extended benefit of pre-arrest bail.

4. Status report has been filed by respondent-State. It is argued by learned State counsel that there are serious allegations against the petitioner, as he was kingpin of the crime of murder of the victim-Sukhwinder Singh. During the course of investigation, it has been revealed that immediately after committing murder of the victim-Sukhwinder Singh, the co-accused Narain Singh had made a call to the petitioner on his phone thereby showing the complicity of the petitioner in the crime. His custodial interrogation is required for conducting thorough investigation. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned

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State counsel at considerable length and have gone through the record carefully.

6. Keeping in view the nature of allegations as levelled in the FIR, in the considered opinion of this Court, custodial interrogation of the petitioner is must for conducting proper and thorough investigation in the matter for eliciting the truth. It is well settled proposition of law that while deciding an application for grant of anticipatory bail, the nature and gravity of the accusation, the part played by the accused, the possibility of his fleeing from justice or likelihood to repeat similar offence or other offences as well as the apprehension of the accused tampering with the evidence or extending threat to the complainant, must be considered. It is well settled that custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order of anticipatory bail. Many useful information can be disinterred during custodial interrogation. For the purpose of extracting the information about the manner in which the petitioner had hatched conspiracy with the co-accused for committing the murder of the victim and the part exactly played by him, his custodial interrogation is required. The case is at its nascent stage. No extra ordinary or sparing circumstance has even otherwise been made out for the purpose of extending benefit of bail to the petitioner. As per the discussion so made, no ground has been made out for allowing the petition. Accordingly, the same is dismissed.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.



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8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

20th December, 2024

Parveen Sharma	1. Whether speaking/ reasoned	:	Yes / No
	2. Whether reportable	:	Yes / No