

**IN THE COURT OF PARMINDER PAL SINGH
SESSIONS JUDGE, FEROZEPUR.
(UID No.PB0043)**

CNR No.PBFZ-0100-3060-2020.
BA No.1601
Date of Order : 18.08.2020.

Akashdeep Singh aged 20 years son of Resham Singh, resident of Village
Kale Ke Hithar, Police Station Arif Ke, Tehsil and District Ferozepur.

.....Applicant-accused.

Versus

The State of Punjab.

.....Respondent.

Bail application U/S 438 Cr.P.C.

DDR No.27, dated 05.04.2020.
U/S 307,452,506,324,148,149 IPC and
Section 25/27/54/59 of Arms Act in
FIR No. 12 dated 05.04.2020 under Sections
307,506,323,336,341,148,149 IPC and
Section 25/27/54/59 of Arms Act,
PS Arif Ke.

Present: Sh.BS Dhaliwal, counsel for the applicant-accused.
Sh. Amritpal Singh Brar, Addl. PP for the State.

ORDER:

1. The instant application for grant of anticipatory bail under
Section 438 of Cr.P.C has been filed by the aforesaid applicant/accused,
who has been named as accused in above referred DDR.

Parminder Pal Singh,
Sessions Judge, Ferozepur.

2. The present case has been registered on the basis of the statement of Santokh Singh complainant wherein it is alleged that on 04.04.2020 he along with his son Khushal Singh was present in the house. At about 9.30/10.00 a.m, his son received telephonic call from Kulbir Singh at his Mobile Phone No.84279-52101 through mobile phone no.95015-86251 wherein Kulbir Singh abused his son by the name of mother and sister and threatened to kill him on account of enquiring about the Video put on Net. On that very day at about 7.00 p.m, when they were present in their house, they heard the noise of 'lalkaras' and gun shots. Meantime, Kulbir Singh armed with pistol, Bittu Singh armed with 'sota', Aman Singh armed with 'khanda', Madho @ Satnam Singh armed with 'sota', Kulwant Singh and Resham Singh empty handed, Kikkarjit Singh armed with 'sota', Akashdeep Singh armed with 'kapa', Sukhdev Singh armed with 12 bore rifle and 4-5 unknown persons came there by scaling over their wall. Aman raised lalkara' to catch them and teach lesson. On this, Akashdeep Singh inflicted 'kapa' blow which hit near his left ear, as a result of which, he fell on the ground and while he was lying down, Akashdeep Singh gave 'kapa' blow which hit on his left arm. Kulbir Singh exhorted to drag son and father to outside the house. Above said persons dragged him and his son outside the house upto the road, where altercation took place between them for 15-20 minutes. Meantime, his daughter Ramandeep Kaur called his neighbour Sukhraj Singh, Daljit Singh and Robanpreet Singh and on seeing them Kulbir Singh fired from his pistol and the shot passed through his bicep. Sukhraj Singh raised lalkara to save them and on this all the above said persons fled from the spot along with their weapons.

3. I have heard Mr. BS Dhaliwal, learned counsel for the applicant-accused, Sh. Amritpal Singh Brar, learned Addl. Public Prosecutor and have gone through the record.

4. Mr.BS Dhaliwal, Advocate, learned counsel for the applicant-accused has contended that a purely false case has been got registered against the applicant. The applicant has not committed any offence. FIR has already been lodged against the complainant party by Kulbir Singh and the present case is the counter version given by the complainant in the DDR No.027, dated 05.04.2020. It has been further contended that Major Singh from the side of accused also received a gun shot injury in his abdomen and said injury has not been explained by the prosecution. In fact the accused-applicants were way laid by the complainant party, while they were going to their own house and the story of attack in the house of complainant is totally false. It is yet to be determined as to which party is aggressor. The fire arm injury on the person of Santokh Singh has been allegedly shown on the right bicep also creates doubt in the story of complainant and the possibility of it being self suffered cannot be ruled out. No offence has been committed by the applicant-accused. Despite all this, he is ready to join investigation and, as such, he be extended the concession of anticipatory bail.

5. Per contra, Mr. Amritpal Singh Brar, learned Addl. Public Prosecutor has opposed the bail plea on the ground that allegations are serious and, as such, custodial interrogation of the applicant-accused is necessary for effective investigation of the case.

6. A perusal of the record has, prima facie, shown that complainant has levelled serious allegations the applicant-accused and co-

accused regarding causing injuries to the complainant as well as his son namely Akashdeep. There are specific allegations levelled by the complainant that the applicant-accused alongwith co-accused formed an unlawful assembly and in prosecution of their common object, they attacked the complainant and his son while entering their house and caused injuries to them. As per allegations Akashdeep Singh applicant-accused caused injuries to complainant Santokh Singh with Kapa. The weapon of offence is yet to be recovered. So, in view of the serious allegations, custodial interrogation of Akashdeep Singh applicant-accused has become all the more necessary, so as to elicit the truth. The Hon'ble Apex Court in case, State represented by the **CBI vs. Anil Sharma, reported in 1994 (4) RCR (Criminal), 268** has observed as follows:-

“We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect, who is well ensconced with a favourable order under section 438 of the Code. In a case like, this, effective interrogation of suspected persons is of tremendous advantage in disinterring many useful informations of and also material, which would have been concealed Success in such interrogations, would elude if the suspected persons 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 be reduced to a mere ritual.”

7. Taking cue from the above observations made by the Hon'ble Supreme Court of India, this court has also formed its opinion to the effect that in case, protective umbrella of anticipatory bail is cast upon the head

of accused-applicant, then, it would certainly hamper the investigation of the case, which is at its nascent stage and the interrogation of the accused will become only an empty formality.

8. In view of the serious allegations and to ascertain the modus operandi and individual role of the accused-applicant, the custodial interrogation of the applicant-accused Akashdeep Singh has become very much necessary, for investigating the case, for the recovery of the weapon used in the crime. So, in this very premise, this anticipatory bail application, hereby, dismissed. Police file be returned. File be consigned to the record room.

Pronounced:

sd/- (Parminder Pal Singh)
Sessions Judge, Ferozepur.

UID No.PB0043

18.08.2020.

‘Manoj Kumar
Stenographer Gr-II’

CNR No.PBFZ-0100-3060-2020.

BA No.1601

Present: Sh.BS Dhaliwal, counsel for the applicant-accused.
Sh. Amritpal Singh Brar, Addl. PP for the State.

Bail application taken up on the Board of this court by way of entrustment. It be registered. Arguments heard. Vide my separate detailed order of even date, forming part of the record, this anticipatory bail application stands dismissed. File be consigned to the record room.

Pronounced:

sd/-(Parminder Pal Singh)
Sessions Judge, Ferozepur.

'Manoj Kumar
Stenographer G.II

UID No.PB0043
18.08.2020.

Parminder Pal Singh,
Sessions Judge, Ferozepur.