

**In the Court of Sh.Daljit Singh Ralhan,
Additional Sessions Judge,
Amritsar. (UID No. PB0198)**

CNR No. PBAS010160612023



Case No. BA/5454/2023

Presented on : 08-09-2023
Registered on : 11-09-2023
Decided on : 18.9.2023.

State

Versus

Harpreet Singh @ Happy @ Kaura son of Balwinder Singh, r/o Ram
 Nagar Colony, Bal Kalan, Tehsil and District Amritsar.

----- Applicant-accused.

FIR No.47 of 2023.

U/s. 452,323,326,324,427,506,34 IPC.
 PS Kamobj.

Ist application for regular bail u/s 439 Cr.P.C.

Present:- Sh. B.S.Bal, Advocate for applicant-accused.
 Sh.Inderpal Singh Sandhu, Addl.PP for the State alongwith
 ASI Jasbir Singh.

ORDER:

1. This order of mine will dispose of an application for regular bail moved by accused-applicant Harpreet Singh @ Happy @ Kaura in case FIR No.47 of 2023, U/s. 452,323,326,324,427,506,34 IPC, PS Kamobj on the averments that applicant-accused is innocent and has falsely been implicated in this case. He is in custody since 13.7.2023. Alleged occurrence never took place. There is unexplained delay of four

days in registration of FIR. Conclusion of trial would take longtime and no useful purpose will be served by further detaining the accused-applicant behind bars.

2. Notice of this bail application was given to the State, upon which, Ld.Addl.PP for the State appeared and contested the same. Police record has been received. Statement of ASI Jasbir Singh was recorded.

3. Perusal of the investigation record reveals that the present case was registered on the statement of complainant Davinder Singh that he is a tea vendor and 2.4.2023 at 7.30 PM accused-applicant Jobanpreet Singh alongwith Happy @ Kaura, Sheru, Karan @ Tul alongwith 5-7 unidentified persons while armed with kirpans, datars, baseballs forcibly entered into the house of complainant and broke their house hold articles and also caused injuries to complainant. As per allegations of complainant, accused-applicant Karan Singh @ Karan caused injuries to complainant with baseball which hit on the backside of his complainant. Offence u/s 326 IPC was added vide DDR No.39 dated 11.5.2023.

ASI Jasbir Singh has made statement that as per allegations of complainant, accused-applicant Hapreet Singh @ Happy @ kaura caused injuries to complainant with Kirpan which hit on the head of complainant. He also stated that supplementary challan against accused-applicant Harpreet Singh @ Happy @ Kaura was presented on 12.9.2023 before the Id.Ilaqa Magistrate. Offence u/s 326 IPC was added vide DDR No.39 dated 11.5.2023. He also stated that injury under Section 326 IPC is attributed to co-accused Sheru. **Accused-applicant Harpreet Singh @**

Happy @ Kaura was arrested on **13.7.2023** and since then he is in custody.

4. Learned counsel for accused-applicant contended for grant of bail on the ground that accused-applicant has not committed any offence. He is in judicial custody since 13.7.2023. Conclusion of trial will take long time. No useful purpose would be served by detaining the accused-applicant in custody.

5. On the other hand, learned Additional PP has opposed the bail application on the ground that accused/applicant with common intention of all other accused attacked on complainant and caused him injuries and and prayed for dismissal of the same.

6. Perusal of the record shows that accused/applicant is in custody since his arrest on 13.7.2023. The offences are triable by the Court of Magistrate Ist Class. Conclusion of trial will take considerable time. No useful purpose would be served by detaining the accused-applicant in custody for indefinite period.

7. In the light of aforesaid reasons, taking into consideration the totality of the facts and circumstances, the present bail application is allowed. Accused-applicant Harpreet Singh @ Happy @ Kaura is ordered to be released on bail on furnishing personal bonds and surety bonds to the satisfaction of Id. Ilaqa Magistrate/Duty Magistrate, Amritsar and subject to following conditions:

- i) that the applicant shall make himself available for interrogation by a police officer as and when required.

- ii) that the applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the accusations against him so as to dissuade him from disclosing such facts to the court or to any police officer.
- iii) that the applicant shall not leave India without the previous due permission of the court.

Copy of this order be sent to the Court of Id. Ilaqa Magistrate, Amritsar forthwith. Record be returned and record of bail application be consigned to record room after due compilation.

Pronounced.
Dated: 18.9.2023.

(Anil JW).

(Daljit Singh Ralhan)
Additional Sessions Judge,
Amritsar
(UID No. PB0198)