

**In the Court of Sh. Virinder Aggarwal,
Sessions Judge, Ferozepur.**
(Unique Identification No.PB0045)

CNR No.PBFZ0100-7164-2022
CIS No. BA/3009 of 2022
Case No. 444 of 21.10.2022
Date of Order: 31.10.2022
Pending for 07.11.2022

Ayush @ Ashu Arora aged 19 years son of Pawan Kumar, resident of
House No.121, Ward No.9, Preet Nagar, Phase-2, Ferozepur City.

..Applicant/accused.

Versus

The State of Punjab.

..Respondent.

Applications for bail U/s 438(i) of Code of Criminal Procedure

FIR No. 383 dated 07.10.2022
Under Sections 307, 341, 34 IPC and 25, 27 Arms
Act,
Police Station City Ferozepur.

Present: Sh. Deepak Maggo Advocate, counsel for applicant/accused,
Sh. Dalip Kumar, Public Prosecutor for the State.

O R D E R:

The applicant/accused has filed this application for pre-arrest
bail under section 438 of Cr.P.C in the above noted FIR, on the ground
that he is innocent and has been falsely implicated in this case. As per
the contents of FIR, only one baseball blow is attributed to him, which

falls under section 323 IPC and except that, no overt act is attributed to the applicant/accused. Even Arshdeep Singh has not been admitted in any hospital regarding the said injury, rather complainant and others have caused injuries to the applicant and Dilpreet Singh and due to the said injuries, the applicant was got admitted in Civil Hospital, Ferozepur and was medico legally examined. On the basis of injuries caused by complainant party, FIR No. 389 of 10.10.2022, under sections 307, 379-B, 323, 341, 148, 149 IPC is also registered against the complainant party on the statement of Dilpreet Singh, non-applicant. Present FIR is a counter blast to FIR No.389 and it is a cross version. There is unexplained delay of one day in lodging the FIR. His custodial interrogation is not required. He is ready to join the investigation. Hence, the present bail application.

2. Notice of bail application was issued to State and Sh. Dalip Kumar Public Prosecutor put in appearance on behalf of State. Record has also been requisitioned.

3. As per report of filing branch, clerk, no bail application filed by applicant/accused is pending in the Hon'ble High Court. He has attached on record copy of report downloaded from the website of Punjab and Haryana High Court.

4. I have heard arguments of learned counsel for applicant and learned Public Prosecutor for State and have gone through the record.

5. As per the case of prosecution, present case was registered on the statement of Ashish Bhatti on the allegations that on 06.10.2022, at about 5:45/6:00 PM, he alongwith his friend Arshdeep Singh were going on motorcycle make Passion Hero Honda bearing No. PB-05-AL-6844 being driven by him and when they reached near Red Tape showroom, Ferozepur City, a car make i-20 came from backside and driver of the car tried to stop the car in front of their motorcycle and then they encircled them in the market at Zira Gate. Gurwinder Singh Bhullar @ Buggi armed with pistol, Dilpreet Singh armed with revolver Daljit Singh @ Jeeto armed with pistol and applicant Ashu Arora armed with baseball came out of the car. Dilpreet Singh raised *lalkara* to teach them a lesson for harassing them time and again. Applicant gave baseball blow on the back of Arshdeep Singh and he ran away from the spot. Thereafter, Dilpreet Singh non-applicant fired 3 shots with an intention to kill, which struck on stomach, left thigh and left side of waist of complainant. Daljit Singh @ Jeetu non-applicant also fired a shot towards the complainant with intention to kill him, but the same passed across his head. Gurwinder Singh @

Buggi gave fired a shot from his pistol and the shot passed across him as the complainant was fallen on the ground. Thereafter, two unidentified persons gave kick blows to the complainant, while he was fallen down on the ground. Thereafter, all the accused ran away from the spot with their respective weapons. Motive of the occurrence is that on 01.10.2022, some dispute arose between Arshdeep Singh and Dilpreet Singh and Gurwinder Singh @ Buggi near Sood Hotel, Ferozepur City.

6. It is a case of version and cross version and the genuineness of the same will be ascertained after appreciating evidence to be led during the course of trial. Applicant/accused is attributed with a baseball blow. So, considering the role of the applicant/accused and all the facts and circumstances of the case, custodial interrogation of the applicant/accused is not required and he is directed to join investigation. In case he is required to be arrested, he be released on interim bail to the satisfaction of Arresting Officer. The applicant shall also abide by the conditions as specified under Section 438(2) of Cr.P.C.

7. Now file be put up on 07.11.2022.

Dated: 31.10.2022

Sd/-(**Virinder Aggarwal**),
Sessions Judge, Ferozpur.

Mukesh Kakkar
Executive Assistant

(UID No. PB0045).