

**THE COURT OF PARMINDER SINGH RAI
ADDITIONAL SESSIONS JUDGE, GURDASPUR
(DUTY JUDGE)**

CIS No. BA/1887/2022
CNR No. PBGD01-004319-2022
Date of Decision: 18/06/2022

1. Manohar Singh s/o Sarup Singh,
2. Vijay Masih son of Sukhwinder Maish,
both residents of Village Kaler, Tehsil Batala, District
Gurdaspur.

.....Petitioners.

Versus

State of Punjab.

.....Respondent.

FIR No. 127 dated 10/11/2021,
U/Ss 323, 326, 148, 149 IPC
Police Station: Ghuman.

Application for bail under Section 438 Cr.P.C.

Present: Sh. B.S. Dhakala, Advocate, counsel for
petitioners.
Shri Kiran Kumar, Additional P.P for State.

ORDER

Bail application put up before the undersigned being
Judge on Duty.

2. Present petition has been filed by petitioners seeking pre-arrest bail under Section 438 of Cr.P.C. for the alleged commission of offences as mentioned above.

3. Upon notice, learned Additional P.P put in appearance on behalf of respondent-State and contested the bail application.

4. It is submitted by learned counsel for the petitioners that petitioners are innocent and they have been falsely implicated in

present FIR. There is a delay of 9 months in the registration of FIR. Petitioners are ready to join the investigation and to cooperate in the same, so they may be admitted to pre-arrest bail.

5. On the other hand, the learned Addl. P.P has opposed the bail application contending that the allegations are serious in nature and custodial interrogation of both accused is required, as such, the present bail application is liable to be dismissed.

6. I have considered the rival contentions of learned counsel for the petitioner as well as learned Additional Public Prosecutor and perused the record.

7. Present FIR was got registered by Sukhwinder wife of Swaran Masih with the allegations that on 22/12/2020, at about 8-30 pm, she was coming to her home after buying milk from the Departmental Store in the Village. Her husband Swaran Masih was scolding his son Jon Masih because he had come late to home from his work. In the meanwhile, their neighbour Samual Masih started abusing them. When they asked the reason for abusing them, he came in the street with Dattar. She was alone in the street. Samual Masih raised Lalkara, on which, Kashmir Masih, Thomas Masih @ Love and Jagir Masih, who were armed with Dangs came at the spot and started scuffling with her. In the meanwhile, Vijay, Manohar Lal and Dalbir Masih also came there, who were also armed with Dangs and started beating her. Samual Masih gave a Dattar blow which hit on her right arm, Thomas Masih gave a Dang blow which hit on the

little finger of her hand. Dalbir Masih gave 02 Dattar blows, which hit on her head and right elbow, Vijay gave Dattar blow which hit at her back and Manohar gave Dang blow which hit on her chest. She raised hue and cry, on which her husband and son came at the spot and all the assailants ran away from the spot along with their respective weapons.

8. The only allegation against accused-applicants they causing simple injuries to complainant by means of blunt weapon. Co-accused Kashmir Masih and Thomas Masih have already been granted the concession of bail on the similar ground. So in such circumstances, it would be in larger interest of justice and investigation and even in the fitness of things as well that accused applicants be directed to join the investigation. As such, accused-applicants are hereby ordered to join the investigation before the investigating officer on or before 23.06.2022, subject to the following conditions that:-

- (1) They shall join the investigation as and when asked by the investigating officer,
- (2) They shall cooperate with investigation in the matter of present case and further subject to the fulfillment of Section 438(2) Cr.P.C

For report and consideration to come upon 28.06.2022.

Pronounced
Dated:18/06/2022.
Gurpreet Singh, Stenographer-II

(Parminder Singh Rai)
Addl. Sessions Judge,
Gurdaspur/Duty Judge

Present: Sh. B.S. Dhakala, Advocate, counsel for
petitioners.
Shri Kiran Kumar, Additional P.P for State.

Bail application put up before the undersigned being
Judge on Duty. Police record produced. Arguments heard. Vide my
separate detailed order of even date, petitioners have been granted
interim bail as per the conditions referred therein. For report and
consideration to come upon 28.06.2022.

Pronounced
Dated:18/06/2022.
Gurpreet Singh, Stenographer-II

(Parminder Singh Rai)
Addl. Sessions Judge,
Gurdaspur/Duty Judge