

IN THE COURT OF SHRI SANT PARKASH SOOD, ADDITIONAL
SESSIONS JUDGE, TARN TARAN.

CIS No.BA/189/2018
Bail Application No.61/17.1.2018
Decided on:24.1.2018

State
Versus

Bevi Kaur alias Bevi, aged about 22 years, daughter of Sarabjit Singh,
resident of Pati Phule Ki, Sarhali Kalan, Tehsil & District Tarn Taran
(Adhar No. 6917-7271-9331).

(Accused/Applicant)

FIR No.142/2.12.2017
U/s 326, 324, 34 IPC
Police Station: Sarhali

BAIL APPLICATION U/S 438 Cr.P.C.

Present: Shri Kawaljeet Singh Mand, Advocate for accused-applicant
Shri Gurinderbir Singh, Additional Public Prosecutor for
respondent/State of Punjab

ORDER

1. Accused-applicant Bevi Kaur alias Bevi has filed this application seeking pre-arrest bail pertaining to FIR No. 142/ 2.12.2017 u/s 326, 324, 34 IPC registered at Police Station Sarhali.
2. Notice of this application was issued to respondent/State of Punjab, which appeared through State counsel and contested the same.
3. Accused-applicant has averred that she innocent and has been falsely implicated in this case. Even if, allegations raised in the body of FIR are accepted at face value, still accused-applicant was alleged to be unarmed and had raised lalkara only and no injury has been attributed to accused-applicant. As such, she is not required for custodial interrogation as nothing is to be recovered from her. Moreover, she is inclined to join into investigation and cooperate with the same, so she should be allowed pre-arrest bail.

4. On the other hand, learned State counsel has contested this application on the ground that on 18.11.2017, when ASI Gurmeet Singh was present in Police Station Sarhali, then MHC produced before him MLR of Gurwinder Singh son of Bhagwant Singh, resident of Sarhali and requested him to take further proceedings in that regard. Following this development, said IO went to Civil Hospital Sarhali and enquired about the condition of the above named injured-complainant from the doctor concerned. However, despite said injured being declared fit to make his statement, he (complainant) desired to record his statement after receipt of radiological examination. This is how, only statement of said injured to above said extent was recorded. Thereafter, on 2.12.2017, when said IO was present at Patti Morr, Sarhali, then said complainant came to him and got recorded his statement to the effect that on 16.11.2017, he (complainant) was going to the house of his paternal uncle Thakur Singh, at about 8.00 p.m. and while he was still short of his destination, co-accused/non applicant Sarabjit Singh son of Ninder Singh armed with sword along with accused-applicant Bevi Kaur alias Bevi unarmed and their associate co-accused/non applicant Charanjit Kaur alias Paramjit Kaur also unarmed intercepted him. Then, present accused-applicant along with her other associate co-accused/non applicant Charanjit Kaur alias Paramjit Kaur raised lalkara that complainant be caught hold of and taught a lesson for deposing against them. Immediately thereafter, co-accused/non applicant Sarabjit Singh gave sword blow aiming towards his (complainant's) head, but when complainant tried to ward it off, the same landed on his left wrist. Thereafter,

said co-accused/non applicant Sarabjit Singh again gave sword blow thrust wise on his left little finger. Faced with this unprecedented situation, complainant raised alarm, following which, his cousin Sarabjit Singh came at the spot and intervened. Then, all these assailants fled away. On the next day, complainant was taken to Civil Hospital Sarhali, where he was treated. Further, said injured-complainant also got recorded that till date efforts for compromise were going on, but the same did not materialize and that is why he came forward and got recorded his statement.

5. Continuing further, learned State counsel also argued that in the MLR report, two injuries were found on the person of injured-complainant, one on his left wrist covered u/s 326 IPC and another on his left little finger which was simple in nature caused with sharp edged weapon thus covered u/s 324 IPC. Co-accused/non applicant Sarabjit Singh was arrested on 13.1.2018, following which, sword used for commission of this offence was also recovered. Therefore, allegations against accused-applicant being serious in nature, she should not be allowed pre-arrest bail.
6. Though contention put forth by learned State counsel is somewhat reasonable, but fact remains that as per the allegations raised in the FIR, accused-applicant happens to be unarmed and she is alleged to have exhorted her fellow accused only to launch attack on complainant. Added thereto, she happens to be a lady, so keeping in view all these things, accused-applicant is granted interim anticipatory bail and is directed to join into investigation within 20 days. In case, she does so, then she will be admitted to interim anticipatory bail

subject to her furnishing bail bonds and surety bonds to the satisfaction of Arresting Officer.

For report to come up on 23.3.2018.

Sant Parkash Sood
Additional Sessions Judge, Tarn Taran
24.1.2018