

**In the Court of Sh. Muneesh Arora (UID No.PB0135),
Addl. Sessions Judge, Kapurthala.**

CNR No.PBKP0100-0587-2019
Bail application No.186 of 29.01.2019
Date of Order: 31.01.2019

FIR No.324 of 21.12.2018
U/Ss 307/332/186/353/148/149 IPC
P.S. Sultanpur Lodhi, District Kapurthala.

State Versus Simran Kaur aged 42 years wife of
Balwinder Singh, resident of village Toti,
PS Sultanpur Lodhi, District Kapurthala.

Accused/applicant.

Application for bail under Section 439 Cr.P.C.

Present: Sh. Sukhminder Singh, Adv., for applicant-accused.
Ms. Mandeep Walia, Addl. PP for the State.

ORDER

1. The above named applicant-accused Simran Kaur has filed the present bail application under Section 439 Cr.P.C. in case FIR No.324 of 21.12.2018, under Sections 307/332/186/353/148/149 IPC, Police Station Sultanpur Lodhi, District Kapurthala.

2. Learned counsel for the applicant/accused has contended that the applicant/accused is an innocent and has been falsely implicated in this case. The applicant-accused is in judicial custody. The accused has no concern or connection with the present case. Nothing is to be recovered from the applicant-accused. There is no direct or indirect evidence against the applicant-accused to connect him with the commission of alleged offence. Presentation of challan and conclusion of trial is likely to take sufficient time. The applicant undertakes not to leave the country. The applicant is ready to abide by all the terms and conditions imposed by this court while granting him concession of bail. On these assertions,

learned counsel for the applicant-accused has prayed for grant of bail.

3. Learned Addl.P.P for the State has opposed the bail application and has submitted that grave and serious allegations have been levelled against the applicant/accused. On these assertions, she has prayed for dismissal of bail application.

4. I have heard learned counsel for the applicant/accused, learned Addl.P.P for the State and have also gone through the record very carefully.

5. The present case has been registered on the statement and at the instance of ASI Labh Singh. It is in the accusation that he has been posted as ASI P.O. Staff, Kapurthala. At about 4.30 p.m. he was present in his office and received the information that Balwinder Singh @ Binder Proclaimed Offender in case FIR No.155 dated 17.09.2015 under Section 21/61/85 NDPS Act, PS Sultanpur Lodhi, Kapurthala, was present in his haveli in village Toti. Believing the information to be reliable, he alongwith ASI Jagjit Singh, HC Balwinder Singh and HC Harwinder Singh reached village Toti in private vehicle. HC Ramesh Kumar also reached there. They conducted raid at the disclosed place and they apprehended Proclaimed Offender Balwinder Singh. In the meanwhile, Kuldeep Singh @ Kalu armed with dattar, Surinder Singh @ Mintu armed with dattar, Manjit Singh son of Raj Singh armed with dattar came there and scuffled with them. Kuldeep Singh alias Kalu attacked him with dattar with intention to kill him. In order to save himself, he fired two shots in the air from his revolver. Thereafter, Manjit Kaur, Ramandeep Kaur and Simran Kaur alongwith 3-4 unknown persons came there and started throwing brick bats towards them and scuffled with them to get Balwinder Singh proclaimed offender released from them and they further torn their uniforms and ultimately got Balwinder Singh released from them. Thereafter, Kuldeep Singh @ Kalu gave two

blows from dattar which hit him on his left leg and right ankle. Simran Kaur also threw brick bat towards him, which hit him on his hip. Thereafter all of them scuffled with ASI Jagjit Singh and attacked him with dattars. ASI Jagjit Singh also fired two shots in the air to save himself. Ramandeep Singh and Manjit Kaur threw brick bats, which hit HC Balwinder Singh on his left and right hand. Thereafter, many people gathered there and the assailants fled away from there. The assailants obstructed them from discharging their public duty.

6. The allegations against the applicant-accused are that she alongwith 3-4 unknown persons came to the place of occurrence and started throwing brick bats towards the police party and scuffled with them to get Balwinder Singh proclaimed offender released from the police party. The applicant-accused is custody since 31.12.2018. Presentation of challan and conclusion of trial is likely to take sufficient time. Criminal liability of the accused can be ascertained only after conclusion of the evidence. No useful purpose would be served by detaining the accused behind bars. So, without commenting upon the merits of the main case, the applicant-accused Simran Kaur is ordered to be released on bail on her furnishing personal bail bond in the sum of Rs.1,00,000/- with one surety in the like amount to the satisfaction of learned Illaqa/Duty Magistrate subject to the following conditions:-

1. That she will not tamper with the prosecution evidence;
2. That she will appear in the court on each and every date of hearing to be fixed in the trial;
3. That she will not leave the territory of India without prior permission of the Court;

4. That she will surrender her passport in the Court if any. In case she is not possessing any passport, then she will furnish an affidavit to this effect.

7. Copy of this order be sent to the Court of concerned Illaqa/Duty Magistrate, for compliance. File of bail application be consigned to the record room.

Pronounced in the open Court

Dt.31.01.2019

(Mohinder Kumar)

(Muneesh Arora)

Addl. Sessions Judge,

Kapurthala (UID No.PB0135)