

IN THE COURT OF DR RAM KUMAR SINGLA

UID NO. PB-0122

ADDITIONAL SESSIONS JUDGE

GURDASPUR

Bail Application No. 309 of 2018

Date of Institution : 18.07.2018

CIS No. BA-1862-2018

CNR No. PBGD01-004863-2018

Date of Decision: 16.08.2018

1. Ranjit Singh @ Rana son of Sh. Avtar Singh,
2. Baljit Singh son of Sh. Avtar Singh,
3. Avtar Singh son of Gurdit Singh,
4. Rajwinder Kaur wife of Avtar Singh,
5. Harwinder Singh @ Happy son of Avtar Singh,

All resident of village Talwandi Lal Singh Patti Sodhian, Tehsil
Batala, District Gurdaspur.

.....Applicants/ Accused.

Versus

State of Punjab.

.....Respondent.

FIR No. 118 dated 16.11.2014

Under Sections 323, 324, 325, 148, 149 of IPC

Police Station Sadar Batala.

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

Present: Sh. Ranjodh Singh, Advocate for accused-applicants.

Sh. Vikram Kashyap Additional PP for the State.

ORDER

Trial court record has been received and perused. Arguments have been heard on anticipatory bail of above referred applicants in the FIR No.118 dated 16.11.2014 for the offence punishable under sections 323, 324, 325 148, 149 of the Indian Penal Code, Police Station Sadar Batala.

2. First of all, the present bail application in view of statement of the learned counsel for the applicants has been dismissed as withdrawn for accused-applicant no. 4 Rajwinder Kaur.

3. Briefly, the allegations relevant to be mentioned here for disposal of the present bail application of the aforesaid accused/applicants are that complainant Balwinder Singh (hereinafter called complainant) has put the version that on 14.11.2014 when his wife Paramjit Kaur came in the field to serve a tea at about 10.30 A.M., Heera armed with green fodder cutter (datar), Baljit Singh armed with sword, Rana armed with Chhavi, Happy armed with dang sons of Avtar Singh, Avtar Singh son of Gurdit Singh armed with dang, Jaswant Singh son of Ujjagar Singh empty hands, Dharam Singh son of Piara Singh armed with dang and Rinka son of Dharam Singh armed with dang, Rajwinder Kaur wife of Avtar Singh, Rajwinder Kaur wife of Dharam Singh empty hands resident of Talwandi Lal, Patti Sodiwal came there and encircled

him and Jaswant Singh raised a lalkara and Hira gave a blow of green fodder cutter (datar) which hit on his head. Baljit Singh gave sword blow which hit on back side of his head. Rana gave Chhavi blow which hit in his head. He fell on the ground. Avtar Singh gave dang blow three times, which hit on his left hand, upper part of his left leg and on left leg. He again gave three blows of dang, which hit on his right hand, right elbow and left elbow. He raised hue and cry and when his wife came forward Rajwinder Kaur wife of Avtar Singh and Rajwinder Kaur wife of Dharam Singh raised a lalkara to beaten her. Dharam Singh gave dang blow to Paramjit Kaur, which hit on her right shoulder. Rinka gave dang blow to wife of complainant which hit on her right hand and left arm. Baljit Singh gave sword blow to wife of complainant, which hit on his right arm. They both raised hue and cry and Rinka gave fist blow to him and all the accused fled away from the spot. To the said allegations, the present FIR was registered and investigation proceedings thereto culminated into challan only against Daljit Singh and Rinka. However, the persons namely Gurjit Singh, Rana, Happy, Avtar Singh, Jaswant Singh, Dharam Singh, Rajwinder Kaur, etc. placed in column no. 2. Later on, on the basis of an application under section 319 of the Code of the Criminal Procedure, vide order dated 12.08.2016 that Baljit Singh, Rana @ Ranjit Singh, Happy, Avtar Singh and Dharam Singh summoned to face trial by them with the main accused Daljit Singh and another for the same offences as has been faced by them. Aggrieved from that, the accused/applicants Ranjit Singh @ Rana, Baljit Singh, Avtar Singh,

Rajwinder Kaur and Harwinder Singh @ Happy have sought their anticipatory bail.

4. The learned counsel for the accused/applicants has argued that all the allegations leading to the present case are false and frivolous. The applicants are ready to join the proceedings before the trial court. Otherwise, the main accused are already on bail. Therefore, the accused/applicants are deserving the concession of anticipatory bail to them.

5. On the other hand, the learned Additional PP for the State has replied that the gravity of offence does not deserve the concession of anticipatory bail to the accused/applicants.

6. **Having heard to their rival contentions and** have gone through the episode of crime as referred above, that the present accused/applicants along-with other accused persons have been summoned for the offence punishable under sections 323,324,325,148,149 of the Indian Penal Code vide order dated 12.08.2016 regarding the occurrence dated 14.11.2014 that too on the basis of an application under the provisions of Section 319 of the Code of Criminal Procedure. Now more than Four years have already been passed to the said occurrence. Otherwise, the present accused-applicants were declared innocent by the investigation agency and they have been simply summoned as referred above. Therefore, their custodial interrogation is not warranted in any manner.

7. Consequently, the present accused/ applicants are hereby directed to surrender before the learned trial court within two weeks and on their surrendering they will be admitted on anticipatory bail on

furnishing the bail bonds and surety bonds subject to the satisfaction of the trial court. Failing to comply this order within that prescribed period by the accused/ applicants, this order shall stand vacated for the bail to them. This order of bail to the accused/ applicants is subject to the compliance of necessary provisions of section 438 (ii) of the Code of Criminal Procedure by them. Complainant is at its liberty to challenge this order of bail. However, the present bail application qua Rajwinder Kaur has been dismissed as withdrawn. Trial court record be returned along-with copy of this order.

Pronounced in open Court.
Dated:16.08.2018

Shiv Kumar Stenographer Gr-I

(Dr Ram Kumar Singla),
Additional Sessions Judge,
Gurdaspur(UID No. PB0122)