

IN THE COURT OF RAMESH KUMARI, (UID No.PB0039)
SESSIONS JUDGE, GURDASPUR

Bail Application No. 356 of 2021
Date of Institution: 02.07.2021
Date of Order : 05.07.2021

1. Raja Masih (correct name Rajan) son of Rana Masih,
2. George Masih son of Gulzar Masih,
both residents of Ward No.2, Fatehgarh Churian, Tehsil Batala,
District Gurdaspur.

....Applicants/accused

versus

State of Punjab

...Respondent

FIR No. 01 dated 02.01.2020
U/s 323, 324, 326, 148, 149 of Indian Penal Code
P.S. Fatehgarh Churian.

First Bail Application U/s 438 Cr.P.C.

Present: Shri Paul Sandhu, Advocate, learned counsel for
applicants/accused.
Shri Amanpreet Singh Sandhu, learned Public Prosecutor for
the State.

ORDER:

The accused/applicants Raja Masih (correct name Rajan)
and George Masih have filed the present application for bail under
Section 438 of Criminal Procedure Code (hereinafter referred to as
Cr.P.C), in FIR No. 01 dated 02.01.2020, U/s 323, 324, 326, 148, 149
of Indian Penal Code (hereinafter referred as IPC), registered at Police
Station Fatehgarh Churian.

2. Notice of bail application was issued to the State and
police record was requisitioned.

3. The brief facts of the prosecution case are that the present case was registered on the basis of statement of complainant Navdeep son of Gulzar Masih, resident of Ward No.2, Fatehgarh Churian, wherein he stated that he is employed in Education Department as Clerk in Senior Secondary School, Girls, Fatehgarh Churian. On 25.12.2019, he went from his house to see the decoration of CNI Church. At about 1:30 a.m., when he reached near the house of Lali Masih son of Bashir Masih, accused Jassa Masih son of Ganga Masih armed with dang, Arun Masih son of Jassa Masih armed with dang, residents of Ward No.2, Fatehgarh Churian, Sajan Masih @ Kota son of Sawa Masih armed with datar, Raja Masih son of Rana Masih armed with dang, Rahul Masih son of Rana Masih empty handed, residents of Ward No.13, Fatehgarh Churian, Chandu Masih son of Raju Masih resident of Ward No.13, Fatehgarh Churian, empty handed, George Masih son of Gulzar Masih, resident of Ward No.2, Fatehgarh Churian, empty handed, were present in the street. George Masih son of Gulzar Masih raised lalkara to catch hold of him as he is member of De-addiction Committee and be taught a lesson. Raja Masih son of Rana Masih gave him dang blow, which hit near his right ear and he fell on the ground. Then Sajan Masih @ Kota gave him datar blow, which hit on the shin of his left leg. Jassa Masih son of Ganga Masih gave him dang blow, which hit near knee of his left leg. Arun Masih son of Jassa Masih gave him dang blow, which hit on his

chest. Remaining Rahul Masih, Chandu Masih, George Masih gave him fist blows. The occurrence was witnessed by Vinod Masih son of Khurshid Masih and Robin Masih son of Tarsem Masih, residents of Ward No.13 and 02. The people started gathering the spot and then aforesaid accused alongwith their respective weapons ran away from the spot. The motive behind the occurrence is that he used to restrain from selling intoxicants and due to that reason they inflicted injuries to him. On these allegations the aforesaid FIR was registered against the accused.

4. Learned counsel for the applicants/accused argued that the applicants/accused are innocent and have been falsely implicated. The police of P.S. Fatehgarh Churian has falsely roped the applicants/accused and others in the above said false and frivolous case under political pressure due to party faction on the complaint of Kashmir Masih. The applicants/accused have not committed any offence. In fact, the complainant party self-inflicted the injuries with friendly hands and got registered the present false case. The statement of alleged injured has been recorded by the police at Chowk of Ward No.2, Fatehgarh Churian, from which it is clear that the alleged injured was not admitted in Hospital on 26.12.2020, whereas the alleged occurrence took place on 25.12.2020. The distance between police station and Chowk No.2 is about 50 yards. The applicant/accused No.1 is attributed simple injury whereas applicant/accused No.2 is attributed

lalkara and slaps. They are not required for any recovery or costodial interrogation. The police is raiding the house of applicants/accused and they apprehend their arrest at the hands of police. The applicants/accused are ready to join the investigation and prayer is made for grant pre-arrest bail to the applicants/accused.

5. These arguments have been refuted by Shri Amanpreet Singh Sandhu, learned Public Prosecutor, by contending that applicant/accused George Masih raised lalkara, whereupon applicant/accused Raja Masih gave dang blow to complainant, which hit near his right ear. Applicant/accused George Masih inflicted fist blows to the complainant. The allegations levelled against applicants/accused are serious in nature. The dang used in the commission of offence is yet to be recovered from the applicant/accused Raja Masih and prayed for dismissal of application.

6. I have heard learned counsel for the applicants/accused, learned Public Prosecutor for the State and also perused the police record.

7. As per prosecution version, on medical legal examination of complainant, the doctor found the following four injuries on his person:-

1. Complain of pain chest.
2. Lacerated wound 2 x 1 cm on the right parietal bone 6 cm from right ear.
3. Incised wound 4 x 1 cm, 8 cm from knee joint, clotted blood present.

4. Multiple abrasion over left knee joint on the left leg.

Injuries No.2 and 4 were kept under x-ray examination whereas injuries No.1 and 3 were declared as simple. After x-ray examination of complainant, injury No.2 was declared as simple and injury No.4 as grievous in nature.

8. Police file reveals that applicant/accused Raja Masih is attributed injury No.2, by means of dang, which has been declared as simple in nature, whereas the applicant/accused George Masih is attributed *lalkara* and fist blow. Therefore, without commenting upon merits of the case, applicants/accused are granted interim bail till 08.07.2021 with the direction to join the investigation and subject to the conditions as envisaged U/s 438 (2) Cr.P.C.

A copy of this order be sent to the concerned police station for information. For police report regarding joining of investigation by the applicants/accused, to come up on 08.07.2021.

Pronounced:
05.07.2021

(Ramesh Kumari)
(UID No.PB0039)
Sessions Judge,
Gurdaspur.

(Vinay)