

BA No.1865 of 2020 CNR No. PBAS010046362020

State vs Aju Masih

Present : Shri NK Soni, Adv., counsel for the petitioner
through video conferencing.
Shri Rakesh Kumar, Public Prosecutor for the State.

ORDER

Bail application under Section 439 Cr.P.C was filed and affidavit was unattested.

The counsel for the petitioner has been heard through video call as video conferencing could not be matured. Allegations against the petitioner are that he along with non-applicant Navjot Singh, Lovepreet Singh and Ajaypal Singh and others opened attack on Surjit Singh(injured), brother of complainant Manjinder Singh, when Surjit Singh was returning after collecting feed for his cattle. Non applicant Navjot Singh , Lovepreet Singh and Ajaypal Singh caused fire arm injuries on the legs of Surjit Singh, whereas the petitioner and other unidentified persons caused injuries with baseball bat and other weapons on the person of Surjit Singh, consequent to which, FIR under Sections 307/506/120-B/148/149 IPC and 25/27/54/59 Arms Act was registered. The petitioner was

arrested on 30.1.2020 and since then he is in custody. Now, he seeks regular bail, which is opposed by the learned Public Prosecutor for the State, after having been noticed.

At the time of lodging FIR, name of the petitioner was not disclosed by the complainant. He was mentioned as unidentified person. As per the story of prosecution, the identity of the petitioner came into light when Navjot Singh was arrested and disclosed that petitioner was one of their companions. It is still to be seen as to whether such confession of co-accused and that too before the police regarding identity of the petitioner is admissible in evidence. Moreover, no specific injury can be said to have been attributed to the petitioner because the composite allegations of infliction of two other injuries by unidentified persons has been alleged at the hands of 4/5 unidentified person and the petitioner was one of them. Investigation has already been completed. Challan has already been presented in the Court and the same is pending for commitment. After commitment of the case, the trial is likely to take sufficient long time. Therefore, I am of the opinion that no useful purpose is going to be served in keeping the petitioner behind the bars any more. Therefore, the present bail application is allowed and he is

ordered to be released on bail on his furnishing personal bonds in sum of Rs.50,000/- with one surety in the like amount to the satisfaction of Illaqa Magistrate/Duty Magistrate, subject to the following terms and conditions :-

- i) that accused shall not give any threat or inducement to any prosecution witness;
- ii) that accused shall not leave India without prior permission of the court.

Copy of this order be sent to the Court of Illaqa Magistrate/Duty Magistrate for strict compliance. File be consigned to the record room.

Pronounced in open court
29.5.2020

Shashpal Singh, Stenographer-I.

(B.S.Sandhu)
Sessions Judge, Amritsar
(UID No.PB0026).