

PBTT010005482025



**IN THE COURT OF NEETIKA VERMA (UID No. PB0209)
ADDITIONAL SESSIONS JUDGE, TARN TARAN**

**Bail Application no. 275 of 2025
Date of Order : 07.02.2025**

Gurvariya Singh aged about 28 years s/o Jagdeep Singh r/o Fatehpur
(Nawa Pind), Tehsil Patti, District TarnTaran.

.....Accused/petitioner

Versus

State.

(First Bail application under Section 483 of B.N.S.S)

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FIR no. 6 dated 31.01.2024
U/Ss 326/341/325/323/148/149 of IPC,
P.S Valtaha, Distt. TarnTaran.

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Present : Sh. K.S Batth, Advocate, counsel for
the accused-applicant.
Sh. Ravinder Singh, Additional Public
Prosecutor for the State.
ASI Malkiat Singh No. 46/T.T alongwith police record.

ORDER

The above named accused has filed this application for grant
of bail under Section 482 of Bharatiya Nagarik Suraksha
Sanhita(hereinafter referred to as BNSS), in FIR no. 06 dated 31.01.2024
U/Ss 326/341/325/323/148/149 of IPC, P.S Valtaha, Distt. Tarn Taran.

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

***COMPLIANCE OF DIRECTIVE CONTAINED IN ORDER DATED
28.07.2021 PASSED BY HON'BLE PUNJAB AND HARYANA HIGH
COURT IN CRM-M-1695-2021***

3. Carried out. Report of investigating officer attested by the Additional Public Prosecutor about pendency of or of any former adjudication of bail application before or by any Court under the provisions of BNSS and the result thereof received. It was reported that neither any bail application relating to this case was pending and nor had it been decided earlier. Such a declaration is also contained in the bail application.

Ahlmad had also reported that according to the information available in the CIS system, no other bail application relating to this case is pending or decided by any Court.

ABSTRACT OF FIR:

4 The criminal law was set into motion on the basis of the statement suffered by Resham Singh, son of Dara Singh, who contended that they are two brothers and two sisters and all are married. The complainant resides in Doha, Qatar, and works as a driver there. He had visited his village three months ago from Doha. On 25th January 2024, at about 5:30 PM, a fair was organized in their village at Baba Kala Mahar Gurdwara Sahib. The complainant had gone on his motorcycle to pay obeisance there and while he was returning back and had reached near the house of Balkar Singh, Mukhtiar Singh s/o Darbara Singh, Jarmanjit Singh s/o Kuldeep Singh, Bhagwan Singh s/o Jagdeep Singh, all residents of village Fatehabad were standing there armed with dangs and sticks and they stopped his way. At that moment, Sukhmanpreet Kaur d/o Muhktiar Singh, Manpreet Kaur w/o Rashpal Singh, Komalpreet Singh s/o

Mukhtiar Singh, Gurwaryam Singh s/o Jagdeep Singh and Rashpal Singh son of Darbara Singh came there on their motorcycles with dangs and sticks. Sukhmanpreet Kaur raised a lalkara that a lesson be taught to Resham Singh and at this Mukhtar Singh gave dattar blow upon the complainant. In order to save himself, he raised his left arm and the blow fell on the left arm near the wrist. Another blow was given by Jarmanjeet Singh with his baseball on his left hand near the little finger. Baghwan Singh gave blow upon the right ear of the complainant with his Kara and Komal Preet Singh had iron rod in his hand and he gave its blow on the right side of the head of complainant. Guruvaryam Singh gave dang blow in the middle of the head of the complainant and he fell down, and while he lay flat, Rashpal Singh gave dang blows to him. Kanwaljit Singh gave Dang blow on the right side of the waist and all the accused one by one inflicted injuries upon the complainant. The complainant raised an alarm which attracted people residing in the neighborhood and on seeing people gathering, the accused ran away from the spot along with their respective weapons. Daljeet Singh, son of Amrik Singh, resident of Fatehpur Nava Pind, arranged for the conveyance and took the injured to Civil Hospital Gharyala for treatment. The bone of contention between the parties was that the complainant had a property dispute with his paternal uncle Darbara Singh since long. On the basis of the statement, the present FIR was registered against the accused.

ARGUMENTS RAISED BY LEARNED COUNSEL FOR APPLICANT/ACCUSED:

5 Contention of learned counsel for the accused-applicant is that the accused-applicant is innocent and has been falsely implicated in this case. There is no iota of evidence to connect the accused-applicant

with the alleged crime. No offence is made out against accused-applicant. The applicant/accused has further contended that he would not tamper with the prosecution evidence and will not abscond from the trial Court and would appear on each and every date of hearing and shall not misuse the concession of bail and will abide by all the terms and conditions as laid down under Section 482 of B.N.S.S or as imposed by the Court and finally, it has been prayed that the applicant/accused may be granted anticipatory bail.

ARGUMENTS OF LEARNED ADDL. PUBLIC PROSECUTOR

6 The main contention of learned Additional Public Prosecutor for the State is that the custodial interrogation of the accused-applicant is required. It has been further submitted that considering the nature of the allegations, the accused/applicant is not entitled to bail.

GUIDING PARAMETERS

As outlined in *Gurbaksh Singh Sibbia v. State of Punjab*, (SC) : Law Finder Doc Id # 104574 reported in 1980 AIR(SC) 1632 *Bhadresh Bipinbhai Sheth v. State of Gujarat and Another* : Law Finder Doc Id # 705395 reported in 2015 AIR(SC) 3090 *Sushila Aggarwal and others - Petitioners Versus State (NCT of Delhi) and another – Respondents* : Law Finder Doc Id # 1674499 reported in 2020 AIR (SC) 831

(a) The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made; (b) The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a court in respect of any cognizable offence; (c) The possibility of the applicant to flee from justice; (d) The possibility of the accused's likelihood to repeat similar or other offences; (e) Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her; (f) Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people; (g) The courts must evaluate the entire available material against the accused very carefully. The court must also clearly comprehend the exact role of the accused in the case. The cases in which the accused is implicated with the help of Sections 34 and 149 of the Penal Code, 1860 the court should consider with even greater care and caution, because over implication in the cases is a matter of common knowledge and concern; (h) While considering the prayer for grant of anticipatory bail, a balance has to be struck

between two factors, namely, no prejudice should be caused to free, fair and full investigation, and there should be prevention of harassment, humiliation and unjustified detention of the accused; (i) The Court should consider reasonable apprehension of tampering of the witness or apprehension of threat to the complainant; (j) Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the course of events, the accused is entitled to an order of bail.

DISCUSSION:

7 From the perusal of the police file it transpires that the main injury attracting section 326 IPC is attributed to Mukhtiar Singh, who is already on regular bail vide order dated 1.7.2024. Similarly placed other co-accused are also on pre-arrest bail.

In such an eventuality, no useful purpose would be served by detaining him behind bars as nothing is to be recovered from him. Rather, the joining of the accused/applicant would help in expediting the investigation process and conclusion of trial. No custodial interrogation of accused/application is required.

CONCLUSION:

8 In view of above discussion and observations, the application under adjudication is allowed. As such the applicant/accused namely Gurvaryam Singh is directed to join the investigation and the investigating/arresting officer shall admit him on interim bail to its own satisfaction till the next date of the hearing subject to conditions:-

- 1 the accused-applicant shall make himself available for interrogation by the investigating officer/competent police officer as and when required;*
- 2. the applicant/accused shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court to any police officer;*

3 the accused-applicant shall not leave India without the previous permission of the Court, including the trial Court.

4 the accused- applicant shall attend the proceedings in accordance with the conditions of the bonds so executed under Chapter XXXV of BNSS.

5 the accused- applicant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected;

6 the accused-applicant shall not tamper with the evidence by any means;

7 the accused-applicant shall appear before the trial court on each date of hearing unless his personal appearance is exempted.

In case of violation of any of the conditions so imposed upon the accused-applicant, the investigating officer will be at liberty to file an appropriate application seeking cancellation of the bail granted to the applicant through the present order. Further, in case of breach of any of the conditions so imposed through the present order by the accused-applicant, the trial court will be at liberty to cancel the bail order of the accused. Now to come up on 15.2.2025 for awaiting the report of investigating officer regarding the fact, whether applicant/accused has joined the investigation or not.

Intimation be sent to SHO of concerned police station. Lower Court Record record be returned forthwith.

**Pronounced in open court
Dated: 07.02.2025**

**Neetika Verma,
Additional Sessions Judge
Tarn Taran/UID-PB0209**

Typed by Aman (Steno)