

IN THE COURT OF RAMAN KUMAR, ADDITIONAL SESSIONS
JUDGE, KAPURTHALA. UID:PB0183.

CNR No. PBKP010005532021



Case No. BA/274/2021

Presented on : 12-02-2021

Registered on : 13-02-2021

Decided on : 10-03-2021

Sukhwinder Singh aged about 32 years son of Jagjit Singh, resident of village Hamira, Tehsil and District Kapurthala.

..... Applicant/Accused

Versus

State of Punjab.

.....Respondent.

Rapat No.32 dated 16.08.2020.
U/s 323, 324, 148, 149, 326 IPC .
P.S.Subhanpur,
District Kapurthala
In case FIR No.111 dated 16.08.2020,
U/ss 452, 341, 427, 323, 148, 149 IPC,
PS Subhanpur, Kapurthala.

(Bail application under Section 438 Cr.P.C.)

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Present: Sh.Narinder Kumar, Adv.counsel for the applicant/
accused
Sh.J.S.Maork, Additional PP for the State/respondent.

ORDER

The present bail application has been filed under Section 438 Cr.P.C. It is submitted by Ld.Counsel for applicant/accused that police of Raman Kumar, Additional Sessions Judge, Kapurthala. UID-PB0183.

P.S.Subhanpur has falsely implicated the applicant/accused in the present case. Applicant/accused is innocent and has not committed any crime. In fact the complainant of the Rapat and her associates caused injuries to the applicant/accused and in this regard the FIR was registered against the complainant and others, however to save their skin the complainant party got registered the said Rapat against the applicant/accused. Complainant of the said Rapat has been discharged from the hospital and is doing her routine work. The complainant party is aggressor who forcibly and illegally entered into the house of applicant and caused injuries. It is further submitted that nothing is to be recovered from the applicant/accused and he undertakes to abide by all the terms and conditions imposed by the Court.

On the other hand the ld. Additional PP for the State, has contested the instant bail application by advancing arguments. He submitted that the applicant/accused actively participated in the occurrence while being armed with Dattar and caused grievance injury to complainant Hardeep Kaur. Considering the nature and gravity of the offence, the applicant/accused is not entitled for concession of anticipatory bail.

I have heard the Ld.Counsel for applicants/accused, Ld. Additional PP for the State and have gone through the entire case record.

The present case has been registered on the statement of complainant **Sukhwinder Singh** against Sukhdev Singh, Hardeep Kaur and Amritpal Singh and unknown persons with the allegations that accused persons inflicted injuries to him, his mother Jaswinder Kaur.

However, cross-version was also registered vide DDR No.32 dated 16.8.2020 on the statement of **Hardeep Kaur**, wherein she recorded that earlier her husband Sukhdev Singh had allowed **Sukhwinder Singh** to tie his cattle in their Haveli but lateron he was stopped. Sukhwinder Singh son of Jasvir Singh, Jaswinder Kaur wife of Jasvir Singh, Raman son of Jasvir Singh, Komal wife of Sukhwinder Singh, Reena wife of Raman and Sandeep Kaur alongwith unknown persons connived with each other and when Complainant Hardeep Kaur alongwith her husband and son Amrit Pal went to their Haveli, then **Sukhwinder Singh** gave Dattar blow on right arm, Raman gave Dattar blow on right bicep of her husband. All of them caused injuries with Dattars and Dandas and also abused them. When complainant and her family members raised raula, all the assailants fled away with their weapons and then complainant Hardeep Kaur and her husband were admitted in Civil Hospital, Bholath by their nephew.

As per allegations made in the cross-rapat No.32 dated 16.08.2020, the applicant/accused is found to have connived with co-accused and actively participated in the crime. In cross-version recorded on the statement of **Hardeep Kaur** the offence under Section 326 IPC was added vide DDR No.32 dated 20.08.2020 as injury no.2 on her person was declared grievous in nature on receipt of X-ray report. The said injuries No.2 on the person of Hardeep Kaur is attributed to the applicant/accused **Sukhwinder Singh**. No extraordinary ground is made out to give benefit of pre arrest bail to the applicants/ accused. As such, in view of the facts discussed above and

gravity of the offence the applicant/ accused is held not entitled for pre arrest bail. Hence, the bail application in hand stands **dismissed**. Nothing observed above shall have any effect on merit of the case. File of this bail application be consigned to the Judicial Record Room.

Pronounced in open Court.

Dated:10.03.2021.

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(Raman Kumar),
Addl.Sessions Judge,
Kapurthala. UID:PB0183.