

PBTT010055722024



Presented on : 05-11-2024
Registered on : 06-11-2024
Decided on : 11-11-2024
Duration : 0 years, 0 months, 6 days

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

**Bail Application no. 2738 of 2024
Date of Order : 11.11.2024**

Mukhtar Singh @ Kala Fauji aged about 62 years s/o Sajan Singh r/o village Khawaspur, P.S Goindwal Sahib, Tehsil Khadur Sahib Distt. TarnTaran.

.....Accused/petitioner

Versus

State.

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

-O-O-

FIR no. 363 dated 16.10.2024
U/Ss 115 (2),109,132,221,191(3),190,61(2),324 (4) of BNS,
2023 and the offence under Section 25/27 of Arms Act was
added later on.
P.S Goindwal Sahib.

-O-O-

Present : Sh. Ravinder Singh Khaira Advocate, counsel for the
accused-applicants.
Shri Ravinder Singh, Additional Public Prosecutor for the
State.
ASI Jagjit Singh No. 1494/T.T alongwith police record.

O R D E R

The above named accused has filed this application for grant
of regular bail under Section 483 of Bharatiya Nagarik Suraksha
Sanhita(hereinafter referred to as BNSS), in FIR no. 363 dated 16.10.2024

(Neetika Verma, ASJ/TarnTaran UID No. PB0209)

U/Ss 115 (2),109,132,221,191(3),190,61(2),324 (4) of BNS, 2023 and the offence under Section 25/27 of Arms Act was added later on, P.S Goindwal Sahib.

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. The bail applications of co-accused under Section 482 of BNS were allowed.

ABSTRACT OF FIR:

4 The present FIR no. 363 dated 16.10.2024 was registered against 25 known persons and 15/25 unknown persons at the instance of SI Baljinder Singh, Officer In-charge of P.S Goindwal Sahib, District Tarn Taran. The complainant contended that on 15.10.2024, he was patrolling in order to maintain law and peace on account of Panchayat Elections. It was about 10 PM when he received a telephone call from Atul Soni, DSP, Sub Division Camp Goindwal Sahib that at polling station in village Khawaspur, the situation was going out of control. At about 10:30 PM, the complainant alongwith the police party proceeded towards Govt. Middle School, Khawaspur, where he saw a lot of crowd having gathered and they were raising a chaos. The complainant tried to pacify them but they obstructed the complainant in performing his official duties. One person from the said crowd raised a lalkara that the head of the SHO be smashed

and he be taught a lesson for stopping them. On hearing the said lalkara, the entire crowd picked up the stones etc. lying on the road side and threw them towards the police party with the intention to kill them. One of the stone fell on the head of the complainant and the complainant saved himself by raising his left arm. The police party took help of the cane shields. The official vehicle of the complainant Scorpio bearing no. PB65-BG 6189 was also damaged by the mob gathered there. In order to save the entire police party, the complainant took out his service pistol and fired in the air and thereafter the entire mob ran away. The complainant gathered information regarding the person who had hurled the stones upon the complainant and he came to know that Kawalraj Singh s/o Jugraj Singh r/o village Khawaspur had raised the lalkara on account of which Navraj Singh Nambardar picked up the stone and threw it towards the complainant. Thereafter, Vicky s/o Dial Singh, Abhi s/o Dr. Bali, Mukhtar Singh s/o Fauji, Jasbir Singh @ Baba s/o Mukhtar Singh, Hardeep Singh s/o Harbhej Singh, Mukesh Kumar, Avtar Singh, Mukhtiar Singh s/o Ajit Singh, Gopi s/o Mukhtiar Singh, Arshdeep Singh s/o Mukhtiar Singh, Soni Shah Phalwan s/o Sukha Singh, Satnam Singh s/o Bihari Singh, Kawaljit Kaur w/o Bikkar, Bhajan Kaur, Kulbir Singh s/o Jagir Singh, Kulbir Singh, Santokh Singh, Pargat Singh, Hardev Singh, Gagandeep Singh s/o Sham Singh, Manpreet Singh s/o Sham Singh alongwith 15/20 unknown persons including the females had pelted stones towards the police party and had damaged the Scorpio car of the complainant. It was further stated that police party was restrained from performing their part of duties and all this was done at the instance of Jagroop Singh the Ex sarpanch of village Khawaspur. The complainant

took first aid treatment at Civil Hospital, Khadur Sahib. On the basis of the said statement suffered, FIR was registered against the above said accused persons under Sections 115 (2),109,132,221,191(3),190,61(2), 324 (4) of BNS, 2023.

Thereafter, vide one DDR no. 25 dated 19.10.2024 was entered on the supplementary statement suffered by SI Baljinder Singh, wherein he disclosed the names of more persons who had pelted stones upon them. He also named Gurjant Singh, Bhola, Sawinder Singh and Jagroop Singh, who according to him were sitting inside at the time of when ballot papers were being counted. He further stated that it was at their instance that the mob outside pelted stones upon the police party and also fired and damaged the official vehicle. On the basis of the said supplementary statement the above referred persons were named as the accused and the offence under Section 25/54/59 of Arms Act was added.

ARGUMENTS RAISED BY LEARNED COUNSEL FOR APPLICANT/ACCUSED:

5 Contention of learned counsel for the accused-applicant is that a concocted and false story has been made up by the prosecution in order to harass the applicant/accused. The applicant/accused is no more required for any kind of investigation and no useful purpose will be served by detaining him behind bars. The applicant/accused has further contended that no offence as alleged was committed by him. 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 bail and will abide by all the terms and conditions as laid

down under Section 483 of BNSS or as imposed by the Court and finally, it has been prayed that the applicant/accused may be granted bail.

ARGUMENTS OF LEARNED ADDL. PUBLIC PROSECUTOR.

6 On the other hand, while controverting the contentions put forth by the counsel for accused, ld. APP for the State argued that the serious allegations have been leveled against the applicant/accused. He further argued that if the concession of bail is granted to the applicant/accused, he may try to influence the prosecution witnesses. Hence, the applicant/accused does not deserve the leniency of the Court and should not be granted relief of bail.

DISCUSSION:

7 From the perusal of the contents of the entire FIR, it surfaces that the FIR was got registered at the instance of SI Baljinder Singh who happened to be the officer-in-charge of Goindwal Sahib. The entire version of the prosecution as is evident from the contents of the FIR is debatable in the sense as the person who actually raised lalkara and pelted stones at the police party is still to be ascertained. On the basis of the supplementary statement given by SI Baljinder Singh later on, more persons were named as the accused and the offence under Section 25 of Arms Act was enhanced. The said very version creates a doubt since it cannot be said that SI Baljinder Singh was a novice and he could not disclose the actual occurrence which took place out of sheer ignorance. The complainant in the present case happens to be the officer-in-charge of police station concerned conversant with the intricacies of law and if the offence, as grave as the occurrence as alleged, and the gun shots having been fired by mob had taken place, it was but natural that the police

official would have given its detailed account at the first instance. But that being not so, a supplementary statement was given by him after three days of the registration of the FIR which creates a doubt upon the authenticity of the allegations so put forth. There is no medical evidence on record to substantiate the contentions regarding the receipt of injuries and nature of the injuries received on the person of the complainant. The photographs depicting damage to official vehicle are also not on record. Thus, it appears to be a case of a political rivalry. The accused/applicant is in custody since 18.10.2024.

The conclusion of trial will take considerable time and no useful purpose will be served by detaining the accused behind bars as it would be a burden on government exchequer. Therefore, the accused/applicant is admitted on bail on his furnishing of bail bonds and surety bonds in the sum of Rs. 80,000/- with one surety in the like amount before the Illaqa Magistrate/Duty Magistrate upon the following conditions:

1 That he shall attend the Court on each and every date of hearing;

2 That he shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected;

3 That he shall not directly or indirectly make an 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 or to any police officer or tamper with the evidence; and

4 That he shall not leave the country without prior permission of Court.

Papers be annexed with the main remand papers/challan if any or be consigned to the record room. Bail bonds and surety bonds not furnished.

A soft copy of this bail order be sent by email to the accused/applicant through the jail superintendent immediately.

Pronounced in open court
Dated: 11.11.2024

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

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Present : Sh. Ravinder Singh Khaira Advocate, counsel for the
accused-applicants.
Shri Ravinder Singh, Additional Public Prosecutor for the
State.
ASI Jagjit Singh No. 1494/T.T alongwith police record.

Police record received. Arguments heard. Statement of ASI
Jagjit Singh has been recorded. Vide my separate detailed Judgment of
even date, the present bail application stands allowed. Papers be annexed
with the main remand papers/challan if any or be consigned to the record
room. Bail bonds and surety bonds not furnished. A soft copy of this bail
order be sent by email to the accused/applicant through the jail
superintendent immediately.

Pronounced in open court
Dated: 11.11.2024

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

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