

PBGD010006952020



Presented on : 27-01-2020
Registered on : 27-01-2020
Decided on : 13-02-2020
Duration : 0 years, 0 months, 17 days

IN THE COURT OF
Additional District and Sessions Judge
AT ,Gurdaspur
(Presided Over by Sh. Krishan Kumar Singla)

BA/273/2020

Dilbagh Singh aged about 28 Years son of Prem Singh, resident of Village
Paswal, P.O Mullanwal, Tehsil and District Gurdaspur.

...Accused/applicant

Versus

State of Punjab

...Respondent.

F.I.R. No. 111 dated 24.8.2019 (Cross Version
Registered vide Rapat No.26 dated 22.11.2019) under
Sections 307,326,323,148,149 IPC and Section
25/27/54/59 of Arms Act,
Registered at P.S. Sri Hargobindpur

Present : Sh Sudesh Gupta, Advocate, counsel for applicant/accused.
Sh. Vickram Kashyap Addl. P.P for the State.

ORDER.

1. Vide this order, I shall dispose of bail application filed by
accused/applicant Dilbagh Singh under Section 438 Cr.P.C for
grant of anticipatory bail in FIR No. 111 dated 24.8.2019 (Cross

Version Registered vide Rapat No.26 dated 22.11.2019) under Sections 307,326,323,148,149 IPC and Section 25/27/54/59 of Arms Act, registered at P.S. Sri Hargobindpur.

2. Allegations are that Jobanpreet Singh @ Joban moved criminal machinery by giving his statement that on 23.08.2019, he went to meet his paternal Aunt and thereafter along with his paternal uncle (Phuphar) Balraj Singh @ Goldy participated in the compromise going on between Balraj Singh and Manjit Singh etc. Compromise was effected and ultimately, when the parties to the compromise started going to their respective homes, at that time, relatives of Gurjit Singh, Manjit Singh and Baljit Singh, came on two vehicles along with rifles and by raising Lalkara they said that compromise is not accepted to them and they fire shot from their rifles and one fire shot hit on the left shoulder of complainant and he fell down. Thereafter, assailants ran away.

3. Thereafter on the statement of Baljit Singh, a cross case has been registered vide Rapat No.18 dated 27.8.2019 with the allegations that he is resident of village Gill Bob and is a agriculturist. There was a dispute between he and Surjit Singh on the one side and Karnail Singh son of Mehanga Singh on the other side with regard to one passage. On 23.8.2019, Panchayat was affecting compromise between both the parties

and when both the parties came out of Panchayat Ghar after compromise then, Balraj Singh son of Karnail Singh, Daaljit Singh son of Mehnga Singh armed with datar, Karnail Singh son of Mehnga Singh, Sukhraj Singh son of Karnail Singh and Jobanpreet singh son of Satnam Singh resident of Aulakh Khurd and Dilbagh Singh armed with .12 bore rifle and 7/8 unknown persons were standing out side the road. Then, Sukhraj Singh, Karnail Singh raised Lalkara and stated to catch hold of them by saying that compromise is not acceptable to them. Then, Balraj Singh instigated to his relative. Then, Dalbir Singh gave a datar blow on Manjit Singh and same hit from its reverse side on the bicep of Manjit Singh. Dalbir Singh gave datar blow directly on Manjit Singh which hit on the wrist of left arm. Balraj Singh gave brick bat blow on the waist of Manjit Singh. Dilbagh Singh fired from his .12 bore rifle which hit on his left shoulder, below flank, Then Sukhraj Singh gave brick bat blow which on his left shoulder and then Karnail Singh also gave brick bat blow which hit on his back. Manjit Singh raised hue and cry then all the accused fled away from the spot alongwith their respective weapons. Consequently upon which, present FIR has been registered.

4. Notice of the bail application was given to State. Sh. Vickram Kashyap Ld. Addl. PP put in appearance on behalf of

State.

5. I have heard Sh.Sudesh Gupta, Adv, Ld. Counsel for applicant/accused and Sh Vickram Kashyap, Ld. Addl. PP for the State
6. Contention of Sh.Sudesh Gupta, Adv, Ld. Counsel for applicants/accused is that accused/applicant has been falsely implicated in this case. Contention is that main FIR has been registered on the statement of accused Jobanpreet Singh. In fact, from the side of complainant party, in cross version, fire arm injury was given to Jobanpreet Singh which hit near the left lung of Jobanpreet Singh and the said bullet is still lying in the body of non applicant/accused Jobanpreet Singh and the same can not be ejected and his ribs are also fractured. The present cross version is registered under the pressure and influence of the accused party of the original FIR just to put pressure upon non applicant/accused No.1 Jobanpreet Singh and other accused. It has been contended that occurrence was published in the News Paper and there was nothing from the side of opposite party that cross version has been registered. It has been contended that medical opinion shows that no bullet injury was found in the body of Baljit Singh. It has been argued that as per the alleged version of the FIR, the applicant/accused is falsely attributed fire arm injury, however, as per the MLR

there was no fire arm injury to the injured and the alleged injuries are simple in nature and as per rapat No.17 dated 16.9.2019, it was found by SHO/Inspector during the investigation that no any injury was suffered by the alleged injured Baljit Singh and Manjit Singh and the MLRs were falsely procured only to make a equal case falsely. The alleged injured has already been discharged from the Hospital. Co accused of applicant/accused has already been granted anticipatory bail by this court vide order dated 20.12.2019. Allegations are matter of record. Accused/applicant is ready to join investigation and co-operate with the investigating Agency. So prayer has been made that application moved on behalf of applicants/accused for anticipatory bail be allowed.

7. This submission has been refuted by Sh. Vickram Kashyap, Ld. Addl. PP for the State, who argued that accused is involved in a serious offences. His arguments is that applicant/accused Dilbagh Singh fired a shot with .12 bore rifle on left shoulder of Manjit Singh below flank. Other co accused granted bail by this court because no serious injury attributed to them. He also argued that injury u/s 307 IPC is attributed to present accused/applicant and if he is released on bail, he would tamper with the evidence of prosecution and also pressurize the prosecution witnesses. He also argued that custodial interrogation is required for recovery of

weapons used by the accused in crime for the investigation. No case for bail is made out. Thereby, Ld. Addl. PP for the State prayed for dismissal of bail application.

8. Submissions have been considered and record has been perused by me.

9. In the present case, allegations are that on 23.8.2019, Balraj Singh son of Karnail Singh, Daaljit Singh son of Mehnga Singh armed with datar, Karnail Singh son of Mehnga Singh, Sukhraj Singh son of Karnail Singh and Jobanpreet Singh son of Satnam Singh resident of Aulakh Khurd and Dilbagh Singh armed with .12 bore rifle and 7/8 unknown persons were standing outside the road. Then, Sukhraj Singh, Karnail Singh raised Lalkara and stated to catch hold of them by saying that compromise is not acceptable to them. Then, Balraj Singh instigated to his relative. Then, Dalbir Singh gave a datar blow on Manjit Singh and same hit from its reverse side on the bicep of Manjit Singh. Dalbir Singh gave datar blow directly on Manjit Singh which hit on the wrist of left arm. Balraj Singh gave brick bat blow on the waist of Manjit Singh. Applicant/accused Dilbagh Singh fired from his .12 bore rifle which hit on his left shoulder, below flank. This version of prosecution is supported with medical evidence. Then Sukhraj Singh gave brick bat blow which on his left shoulder and then

Karnail Singh also gave brick bat blow which hit on his back.

10. All accused actively participated in the crime. Injuries on complainant Manjit Singh is shown to be caused on different parts of body i.e. wrist of left arm, left shoulder below flank. Applicant/accused Dilbagh Singh fired from his .12 bore rifle which hit on his left shoulder, below flank of complainant and the injury u/s 307 IPC is attributed to applicant/accused. Case of other co accused who were granted benefit of anticipatory bail, can not be quited with the case of applicant/accused to whom serious act of giving fire arm injury is attributed. Allegations are quite serious.
11. In case, accused/applicant is released on anticipatory bail, then it will amount to interference in the effective investigation to be carried out by the police authority and it will give a wrong signal to the society.
12. Hence, no case for anticipatory bail is made out. So anticipatory bail application moved on behalf of applicant/accused is hereby dismissed.
13. However, the observations made above will have no bearing on the merits of case.

14. Record of the case be returned and file of bail application
be consigned to the record-room.

Pronounced
Dated:-13.2.2020

(K.K.Singla)
Additional Sessions Judge,
Gurdaspur.

Prem Kumar
Stenographer-II

Present : Sh Sudesh Gupta, Advocate, counsel for applicant/accused.
Sh. Vickram Kashyap Addl. P.P for the State.

Arguments heard. Vide my separate detailed order announced today, the present bail application has been dismissed .

Record of the case be returned and file of bail application be consigned to the Record Room.

Pronounced
Dated:-13.2.2020

(K.K.Singla)
Additional Sessions Judge,
Gurdaspur. Duty
UID No. PB 0197

Prem Kumar
Stenographer-II