

IN THE COURT OF DR RAM KUMAR SINGLA,

UID NO. PB-0122,

ADDITIONAL SESSSIONS JUDGE,

GURDASPUR.

Bail Application No.385 of 2017

Date of Institution :11.12.2017

CIS No. BA-2723-2017

CNR No. PBGD01-007200-2017

Date of Order: 10.01.2018

Sahib Singh @ Narinder Singh son of Inder Singh, resident of village Nikko Sarai, Tehsil Batala, District Gurdaspur.**Applicant/Accused.**

Versus

Gurmehar Singh son of Jagir Singh resident of village Sarafkot at present Dera Baba Nanak Road, Near N.B. Fuel Centre, Village Talwandi Rama, Tehsil Batala, District Gurdaspur.**Complainant/ Respondent.**

(Complaint under Sections 452, 506,120-B of IPC; P.S. Dera Baba Nanak)

First application for bail under Section 438 Cr.P.C.

Present: Sh. Rahul Puri, Advocate, for the accused-applicant.

None for the complainant; Sh. K.S. Gill, Additional PP for the State.

ORDER

Trial court record has been received and perused. Complainant has not been served. Arguments have been heard on anticipatory bail of above referred applicant/ accused Sahib Singh @ Narinder Singh with the presence of learned Additional PP for the State.

2. Briefly, the allegations relevant to be mentioned here for disposal of the present bail application of the aforesaid accused/applicant Sahib Singh @ Narinder Singh are that a private complaint made by complainant Gurmehar Singh against Gurmit Singh etc. for the offence punishable under sections 307, 452, 506 read with section 120-B of Indian Penal Code pertaining to Police Station Dera Baba Nanak led to the summoning of accused persons namely Gurmit Singh, Sahib Singh, Bachittar Singh, Rachhpal Singh, Mohinder Singh and Gurbachan Singh for the offence punishable under sections 452, 506 read with section 120-B of the Indian Penal Code vide order dated 04.02.2016. It has been alleged to cause that complaint that on 07.09.2014 at about 8.30 A.M., all the said accused persons while armed with deadly weapons i.e. rifles, sticks and green fodder cutter (datar) came to the plot of complainant to demolish the boundary wall of his fuel pump whereby Mohinder Singh raised a Lalkara to damage the wall and petrol pump of the complainant. On that instigation accused Mohinder Singh, Gurmit Singh and Sahib Singh shot fires which hit on the wall of a room in that plot. The complainant saved himself by bolting inside a room. The accused Gurbachan Singh gave a blow of green fodder cutter (datar) on the wall of that petrol pump. All accused were claiming that they will manage to close the said petrol pump. The accused Bachittar Singh and Rachhpal Singh damaged the door of the said room. The complainant remained under apprehension that accused will put some fire substance in the petrol and that may cause huge loss to the complainant. The entire

occurrence was witnessed by Kuldip Singh and Daljit Singh. To the said allegations as made by the complainant in his private complaint, that led to the summoning of accused persons including the present accused/applicant for the offence punishable under sections 452, 506 read with section 120-B of the Indian Penal Code. Aggrieved from that summoning order the accused/applicant Sahib Singh @ Narinder Singh has sought his anticipatory bail.

3. Notice was given to the complainant, but that remained unserved to him. Accordingly, the presence of the learned Additional PP for the State has been marked.

4. The learned counsel for the accused/applicant has argued that all the allegations leading to the present complaint are false and frivolous. The applicant is ready to join the proceedings before the trial court. Otherwise, the co-accused Gurmit Singh, Bachittar Singh, Rachhpal Singh and Mohinder Singh are already on bail and they have joined the investigation proceedings. In the pendency of present bail application the present accused/applicant Sahib Singh has been found Proclaimed Person vide order dated 08.12.2017 whereas the present application was preferred on 05.12.2017. Therefore, the accused/applicant Sahib Singh is deserving the concession of anticipatory bail to him. So far declaration of him as Proclaimed Offender, the summons/proclamation notice were never properly served at his name whose real name is Narinder Singh.

5. On the other hand, the learned Additional PP for the State

has replied that the gravity of offence does not deserve the concession of anticipatory bail to the accused/applicant. Apart from that his act and conduct is not deserving the concession of anticipatory bail to him as he has also been declared Proclaimed Person in pendency of that complaint, though during the pendency of present bail application.

6. **Having heard to their rival contentions and** have gone through the episode of crime as referred above, that the present accused/applicant along-with other accused persons has been simply summoned for the offence punishable under sections 452, 506 read with section 120-B of the Indian Penal Code vide order dated 04.02.2016 regarding the occurrence dated 07.09.2014. Now more than three years have already been passed to the said occurrence. Moreover, out of the six accused persons to that complaint that four of them namely Gurmit Singh, Bachittar Singh, Rachhpal Singh and Mohinder Singh are already on bail and they are facing the trial of that private complaint before the learned trial court. No doubt, in the pendency of present bail application the accused/ applicant Sahib Singh has been declared Proclaimed Person but that does not effect to the concession of anticipatory bail to him as that allegations are not warranting his custodial interrogation in any manner.

7. Consequently, the present accused/ applicant is hereby directed to surrender before the learned trial court within a week and on his surrendering he will be admitted on interim bail on furnishing the bail bonds and surety bonds subject to the satisfaction of that trial court.

Failing to comply this order within that prescribed period by the accused/ applicant, this order shall stand vacated for interim bail to him. This order of interim bail to the accused/ applicant is subject to the compliance of necessary provisions of section 438 (ii) of the Code of Criminal Procedure by him. Trial court record be returned along-with copy of this order.

Let compliance report be awaited for 24.01.2018 alongwith directions to the accused/applicant to place on record certified copy of order of learned trial court in compliance of this order by him.

Pronounced in open Court.

Dated: 10.01.2018

Shiv Kumar Stenographer Gr-I

**(Dr Ram Kumar Singla),
Additional Sessions Judge,
Gurdaspur(UID No. PB0122)**