

**In the court of Gurmohan Singh,
Addl. Sessions Judge, Ferozepur (UID No.PB-0573).**

CIS No.BA/272/2022.
CNR No.PBFZ010006272022.
Date of Order: 14.02.2022.

S T A T E

Vs.

Shinder Singh aged 70 years son of Harbans Singh, resident of village Raja Rai, Tehsil Guruharsahai, District Ferozepur.

.....Accused/Applicant.

Application for regular bail.

Present: Sh. U.S. Mujedia, Advocate, counsel for the applicant.
Sh. A.P.S. Brar, Addl. Public Prosecutor for the State.

ORDER

This order will dispose of an application filed by above named accused/applicant seeking regular bail in FIR No.113 dated 10.12.2021 under Sections 324/323/148/149 IPC (offence under Section 326 IPC added later on), registered at Police Station Lakho Ke Behram.

2. Notice of the bail application has been issued to the State. Learned Additional Public Prosecutor for the State has appeared. Record has been produced.

Gurmohan Singh
Addl. Sessions Judge,
Ferozepur.

3. The learned counsel for the applicants/accused submits that the applicant/accused have been falsely implicated in the present case. Further submits that no offence is made out against the applicant/accused. Further submits that the applicant/accused is behind the bars since 10.01.2022 and nothing is to be got recovered from him. Further submits that completion of investigation, presentation of challan and conclusion of trial shall take considerable time and no useful purpose would be served by keeping him behind the bars for an indefinite period. Thus prays that present bail application be allowed.

4. On the other hand, the learned Additional Public Prosecutor for the State submits that the present FIR has been registered on the statement of complainant Jasvir Singh regarding the incident which has occurred on 03.12.2021. Further submits that in the present case, complainant Jasvir Singh is the injured and as per the complainant, there were 6 accused persons including the present applicant/accused, who had caused injuries on the person of the complainant. Further submits that during investigation, one person, namely, Sukhwinder Singh has not been arrayed as accused and FIR has been registered only against five accused persons, namely, Bohar Singh, Amandeep Singh, Lovejit Singh, Baldev Singh and present applicant/accused Shinder Singh. Further submits that initially FIR has been registered under Sections 323/324/148/149 IPC but later on vide rapar No.23 dated 21.12.2021, offence under Section 326 IPC has been enhanced as injury on the person of the complainant attributed to accused Bohar Singh with Kapa has been found to be grievous. Further

submits that in the present case, there is cross version case registered vide rapat No.23 dated 10.12.2021 under Section 323 IPC on the statement of Shaheedo Bai wife of accused Chhinder Singh against Jasvir Singh. Further submits that in the present case, accused Bohar Singh was loaded with Kapa, accused Amandeep Singh was loaded with Gandasi, Shinder Singh (present applicant) was loaded with Dang, accused Baldev Singh was loaded with Kuhari and accused Lovejit Singh was empty handed and all these accused persons have caused injuries on the person of complainant Jasvir Singh. Further submits that there is specific injury with sharp edged weapon being attributed to accused Bohar Singh on the head and middle finger of left hand of the complainant. Further submits that the applicant/accused has been attributed injury with Dang on the chest of the complainant. Further submits that all the accused persons including the present applicant/accused have committed serious offence and thus thus the applicant/accused does not deserve the concession of bail.

5. After hearing learned counsel for the applicants/accused, learned Additional Public Prosecutor for State and perusal of the record, it reflects that the case of the prosecution is that the present FIR has been registered against the applicant/accused and other accused persons on the statement of complainant Jasvir Singh on 10.12.2021 regarding the incident, which has occurred on 03.12.2021. There are four injuries on the person of the complainant, out of which one injury has been attributed to accused Bohar Singh that too with sharp edged weapon. Further record reflects that, initially FIR has been

registered under Sections 323/324/148/149 IPC, but later on, injury on the person of the complainant attributed to accused Bohar Singh with Kapa on the head and hand of the complainant has been found to be grievous and rapat No.23 dated 21.12.2021, offence under Section 326 IPC has been enhanced. Further it is the fact that the present applicant/accused, Bohar Singh and Lovejit Singh have been arrested on 10.01.2022 and since then, the applicant/accused is behind the bars. Further record reflects that there is one cross version case registered vide rapat No.23 dated 10.12.2021 under Section 323 IPC against complainant Jasvir Singh. Further, it is the fact as reflected from the record that at the time of alleged occurrence, the applicant/accused was loaded with Dang, with which he caused injury on the chest of the complainant and the said injury is simple in nature. It is the fact that the applicant/accused is behind the bars since 10.01.2022. The veracity of the allegations and counter allegations and the criminal liability of the applicant/accused shall be determined during trial. Thus, without commenting anything on the merits of the case and taken into consideration the fact that the the injury attributed to the applicant/accused is stated to be simple and the injury falling under Section 326 IPC has not been attributed to the applicant/accused, this court is of the opinion that the applicant/accused is entitled for regular bail as completion of investigation, presentation of challan and thereafter conclusion of trial will take sufficient long time and no fruitful purpose would be served by further detaining the applicant/ accused behind bars for an indefinite period. Accordingly, without commenting

anything on merits of the case, the present bail application is allowed and the applicant/ accused is ordered to be released on his furnishing the bail bonds to the tune of Rs.50,000/-with one surety in the like amount before the Illaqa Magistrate/Duty Magistrate. File be consigned to the record room.

Announced in open court

Dated : 14.02.2022.

anil kumar

Stenographer Grade-II

sd/-

(Gurmohan Singh)

Add. Sessions Judge, Ferozepur.

(UID No. PB0573)