

**IN THE COURT OF RAVI GULATI
ADDITIONAL SESSIONS JUDGE, GURDASPUR**

CIS No. BA-2769-2023
CNR No. PBGD01-006616-2023
Date of Decision 24.08.2023

PBGD010066162023



Sarabjit Singh @ Shabbu aged about 23 years son of Gurmeet Singh
resident of village Lala Nangal, District Gurdaspur.

.....Accused/Applicant.

Versus

State of Punjab.

.....Respondent.

FIR No. 0047 dated 14.06.2023
Under Sections 186/353/224/506 IPC
Police Station Fatehgarh Churian.

First Bail application under Section 438 Cr.P.C.

Present: Sh. Deepak Sharma Advocate, for accused/applicant.
Sh. Aman Mahindru Learned APP for State.

ORDER

Present bail application has been filed by
accused/applicant Sarabjit Singh @ Shabbu son of Gurmeet Singh
seeking anticipatory bail under Section 438 of Cr.P.C.
Accused/applicant has also placed on record his affidavit to the effect
that this is his first bail application filed under section 438 Cr.P.C.
Ahlmad of this court has also reported that no other bail application

of the accused/applicant is pending or decided by any other court in this FIR.

2. Upon notice, learned APP for the State put in appearance on behalf of State and contested the bail application. Record has also been produced. ASI Sukhdev Singh No.2267, P.S. Fatehgarh Churian has appeared along with the record and suffered statement that neither any other bail application of accused/ applicant is pending in any other court in this FIR nor such like bail application has been decided by any other court. He further submitted that except the offences mentioned in present FIR, no offence has been added and deleted in present FIR.

3. Learned counsel for the accused/applicant submitted that he is innocent and has been falsely implicated in present case. He neither obstructed the police officials nor assaulted for used criminal force to deter any police official from discharging their official duty. In fact when the police party came to arrest him in another FIR No.49 dated 10.06.2023, P.S. Qila Lal Singh, he suffered bullet injury at the hands of the police due to which the police registered false FIR against him in order to save their skin. He further submitted that the accused/applicant had already been granted anticipatory bail even in aforesaid FIR No.49 dated 10.06.2023, P.S. Qila Lal Singh and also placed on record copy of order dated 10.08.2023 passed by the court of learned Sessions Judge, Gurdaspur. Therefore, he prayed that accused/applicant be granted pre-arrest bail in this FIR also.

4. On the other hand, the learned APP for the State argued that accused/applicant is not entitled to grant of pre-arrest bail because of the serious allegations against him to the effect that he obstructed the police party at the time of effecting his arrest in another FIR and also used criminal force against them. Thus he prayed for dismissal of this bail application.

5. After hearing both the sides and after going through the record produced by the police official, this court finds that the present FIR was registered on 14.06.2023 on the allegations that when the police party went to the house of the accused/applicant to arrest him in FIR No.49 dated 10.06.2023 under sections 307/148/149 IPC, the accused scuffled with the police party and he tried to snatch the AK47 rifle from one of the police personnel. During the said scuffle, safety lock of said AK47 rifle got opened and one bullet was fired accidentally which also hit the accused/applicant due to which he was admitted in the hospital. In the backdrop of these facts, this court is of the opinion that accused/applicant himself is the injured person in the alleged scuffle with the police officials and the police party itself admitted him in the hospital. It is also not denied that the accused/applicant has already been granted pre-arrest bail in aforesaid FIR No.49 dated 10.06.2023. The copy of order dated 10.08.2023 in this regard has also been placed on record. Therefore, in these circumstances, when custodial interrogation of the accused/applicant is not required, he is hereby granted pre-arrest bail

till 28.08.2023 and he is hereby ordered to join the investigation before the Investigating Officer on or before 28.08.2023, subject to the following conditions that:-

1. That he shall not hinder the ongoing investigation;
2. That he shall not leave the country without prior permission of the Court;
3. That he shall not make any threat, promise or inducement to any person conversant with the facts of the case to dissuade him/her from disclosing the truth to the Court or police;
4. That he shall join the investigation as and when asked by the investigating officer,
5. That he shall cooperate with investigation in the matter of present case and further subject to the fulfillment of Section 438(2) Cr.P.C

However, observations made hereinabove shall have no effect on the merits of the case. Police record be returned and now to come on 04.09.2023 for report and consideration.

Pronounced
Dated:24.08.2023.
Shiv Kumar, Stenographer-I

(Ravi Gulati)
Additional Sessions Judge,
Gurdaspur (UID No.PB0242)