

**In the court of Kewal Krishan,
Addl. Sessions Judge, Ferozepur (UID No.PB-0182).**

Case Type	Bail Application.
CIS No.	BA/2755/2022.
CNR No.	PBFZ010066552022.
Date of order	15.10.2022.

Polus Paul @ Abhi son of Mohinder Paul, resident of village Naurang
Ke Lelli, Police Station Sadar Ferozepur, Tehsil and District Ferozepur.
.....Applicant-accused.

Versus

State of PunjabRespondent.

FIR No.72 dated 29.05.2021. Under Sections: 302/336/506/148/149 IPC and 25/27/ of the Arms Act. Police Station: Sadar Ferozepur.

Application 438(i) of the Code of Criminal Procedure.
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Present: Sh. U.N. Tripathi Advocate, counsel for the applicant.
Sh. A.P.S. Brar Learned Addl. Public Prosecutor for the
State SI Gurbax Singh.

ORDER

1. Apprehending his arrest, the applicant has filed the instant
application under Section 438(i) of the Code of Criminal Procedure for

grant of anticipatory bail. Record of investigation has been produced by SI Gurbax Singh. File of trial pending against co-accused is also taken up.

2. Arguments are heard. Learned counsel for the applicant has argued that the applicant is innocent, who has been falsely implicated in this case. No specific injury has been attributed to the applicant, who was empty handed. He even did not take part in the alleged occurrence. He has not committed any offence. He has reasonable apprehension of his arrest for a non-bailable offence as the police is raiding his residence. Nothing is to be recovered from him. He is ready to join the investigation. He will not make any kind of threat or inducement to any person, who is acquainted with the facts of the case. Thus, the applicant may kindly be granted concession of pre-arrest bail.

3. On the other hand, learned Addl. Public Prosecutor for the State has hotly contested the application and has argued that the applicant along with co-accused has committed heinous offence punishable under Sections 302/336/506/148/149 IPC and 25/27 of the Arms Act. In view of the gravity and heinous nature of the offence, the application is not entitled to get concession of anticipatory bail.

4. This Court has heard the learned counsel for the applicant, learned Addl. Public Prosecutor for the State and perused the record. It is a

case of version and cross version. The present FIR was registered at the instance of Vijay Kumar son of Ashiq, on the allegations that on 29.05.2021 at about 02.00 P.M., he came back to his house from the shop, where he is working. There arose noise outside his house. He came out and saw Davinder @ Laddi along with Rishu quarreling with his brother Sonu @ Choocha. The respectable persons of locality pacified them and sent back to their respective houses. Thereafter, Sarpanch Major Singh and Chhinder Singh Member Panchayat convened at the house of Mohinder Paul to prevail better sense upon the quarreling persons. He (complainant) along with others was standing outside in the street. Meanwhile David @ Laadi armed with Pistol, Lovekesh son of Major, Akash son of Nishan, Abhi (applicant Polus Paul @ Abhi) armed with Pistols, Jagga son of Sheera armed with Kappa, Bagga son of Pagga, Rinku son of Mohinder Pal, Samson son of Rinku, Ravi Pardhan along with 5-6 unknown persons while firing shots in air came to the houses of complainant party, looking for Jafar son of Manjeet Kaur, who did not met and they left the spot. Thereafter, at about 04.00 P.M., his brother Sonu went to the house of Mohinder Paul, where the Panchayat was convened for effecting compromise. They heard shrieks from house. They saw from terrace that David @ Laadi armed with pistol, Lovekesh, Akash, Abbi, Jagga, Pagga,

Rinku, Samson and Ravi Pardhan were giving beatings to his brother. They threw his brother Sonu alias Chuha from terrace after firing shots on him. His brother succumbed to firearm injuries. Laadi and Rinku fired shots from their house in order to save their father Mohinder Paul and uncle Mani Paul. According to complainant, the motive behind the occurrence was that, one Sherry, friend of his brother had pledged I-20 car belonging to David for some money, due to which there dispute between them and they killed his brother.

5. The applicant is specifically named in the statement of the complainant as Abhi. Accused Bohra was arrested on 18.06.2021 and report under Section 173 Cr.P.C. qua him was presented on 16.09.2021. Accused Lakhkan and Rajan alias Sherry were also arrested and report under Section 173(8) Cr.P.C. qua them was presented in the court on 16.02.2022. Accused Balwinder Singh was arrested on 26.11.2021 and report under Section 173(8) qua him was presented on 24.02.2022. Accused David alias Laadi and Lovepreet Sandhu alias Akash were also arrested on 11.05.2022 and report under Section 173(8) Cr.P.C. qua them was presented on 08.08.2022.

6. The cross-version was registered vide rapat No.36 dated 01.06.2021 for offence punishable under Sections 307/379-B/452/336/

506/148/149/120-B IPC and 25/27 of the Arms Act on the statement of co-accused Mohinder Paul. According to him, on 29.05.2021 at about 04.00 p.m. his son David had come to his in-laws house in car. In the mean time Sonu alias Chuha and Rajan alias Sheri came there on Bullet motorcycle and started hurling abuses to them. They also snatched the car from his son on gun point and took away the same. In the mean time, Sarpanch Major Singh along with Member Panchayat Chhinder Pal and his wife and mother came at his house and he unfolded the incident to them. Sonu alias Chuha came back there and they exchanged hot words with Sonu, who called his companions telephonically. Thereafter, Sonu, Rajan alias Sheri, Jafar, Gagan Shooter, Lakhan, Gora, Sachin, all armed with pistols, Kala loaded with sword, Saraj loaded with Kapa, Shiva, Laddi, loaded with Dangs, Arun Sahota, Bhullar loaded with baseball bats along with 15-20 unknown persons loaded with Kirpans, Dangs, baseball bats came towards his house. Sonu, Rajan alias Sheri, Jafar, Gagan Shooter, Lakhan, Gora and Sachin while firing shots forcibly entered his house and the rest of the assailants surrounded his house. Rajan alias Sheri fired shot from pistol towards him with an intention to kill him, which hit his left thigh. Then Sachin fired shot from pistol, which hit his right thigh. Another fire shot by Lakhan from his pistol hit the back side of his left thigh of the

complainant. Gora also fired shot from his pistol which hit the inner side of his left thigh. Sonu also fired shot from his pistol which hit his left thigh. Then, Jafar fired shot from his pistol towards his brother Sunny Paul, which hit his right leg. Another shot fired by Jafar hit the back of Sunny Paul near rectum. Gagan fired shots from pistol which hit above right ankle of Rakesh Kumar. His son David rushed towards roof of the house and the assailants followed him while firing shots and one of the fire shot hit accused Sonu alias Chuha, who fell down in the street and died. Thereafter, all the assailants fled away from the spot along with their respective weapons.

7. Under the above circumstances, this court is of the considered view that for the purpose of thorough investigation, particularly about role of the applicant, his custodial interrogation is required. Therefore, this application for grant of anticipatory bail is dismissed. Record be returned. Record of this bail application be attached with main challan.

Announced in open court.

Dated : 15.10.2022.

Stenographer Grade-II

Sd/-

(Kewal Krishan).

Addl. Sessions Judge, Ferozepur
(UID No. PB0182)