

PBGDA10027622023



Presented on : 06-05-2023
Registered on : 06-05-2023
Decided on : 10-05-2023
Duration : 0 years, 0 months, 4 days

**IN THE COURT OF
Judicial Magistrate - Ist Class
AT Batala, Gurdaspur
(Presided Over by Sh.Manpreet Sohi)**

BA/277/2023

Present:- Sh. Pankaj Kumar, Advocate for applicant/accused.
Ld. APP for the State.

1. Vide this order, I shall dispose of bail application filed before me on behalf of applicant/accused Deepak @ Deepu Masih under Section 437 Cr.P.C for grant of bail in FIR No. 126 dated 30.09.2020, Under Sections 326, 324, 323, 325, 506, 148, 149 of IPC registered at P.S. Ghanie Ke Banger.
2. It is alleged in the application that the applicant/accused was involved in this crime is innocent. It is the case of version and cross version. The applicant/accused is in judicial custody since long. Prayer is accordingly made for the release of accused on bail.
3. Notice of the application was given to State and record of the case was produced.
4. Brief facts of the prosecution case are that the present case was registered on the basis of statement of complainant Mukhtar Masih alleging that on 27.09.2020, at about 08:00 PM, when he came out of his house, the present accused along with other accused persons armed with deadly weapons

(Manpreet Sohi), PCS,
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caused injuries to the complainant. The applicant accused armed with dattar gave dattar blow on the back bone of complainant. All the other accused also caused injuries to him and thereafter ran away from the spot with their respective weapons.

5. Upon notice, learned APP for the State, appeared and opposed the bail application on the ground that accused has committed serious offence. In case, applicant/accused is granted bail, it would give a wrong signal to the society and he may try to commit similar other offences. Thereby, he prayed for dismissal of bail application.

6. I have considered respective submissions made by learned counsel for accused/applicant, learned A.P.P for the State and have carefully gone through the file of the case with their able assistance.

7. Vide present application, applicant seeks concession of bail Under Sections 326, 324, 323, 325, 506, 148, 149 of IPC registered at P.S. Ghanie Ke Banger. As per the allegations levelled in the the present FIR, accused/applicant gave dattar blow to complainant which hit on his back bone.

8. From the contents of FIR, it is prima facie clear that specific injuries have been attributed to the applicant/accused. In the present case, along with other Sections, offence under Section 326 of IPC is involved and the same is punishable with imprisonment of life or with imprisonment of either description for a term which may extend to 10 year along with fine. Meaning thereby, the alleged offence is serious in nature.

9. Further, the accused/applicant remained absent for a considerable period as the present FIR registered on 30.09.2020 but the accused was

arrested on 24.04.2023. This court is of the opinion that if the accused is released on bail, he will flee from justice.

10. While keeping in mind, the conduct of the accused as well as the gravity of offence, I do not deem fit to grant concession of bail to accused. Accordingly, bail application moved by them stands dismissed and disposed of. Bail papers be attached with the main file.

Dated : 10.05.2023
Amit Saini, Stenographer-III

(Manpreet Sohi), PCS,
Judicial Magistrate Ist Class,
Batala. UID No. PB0656.

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