

**IN THE COURT OF KAWALJIT SINGH,
ADDITIONAL SESSIONS JUDGE, TARN TARAN.
(UID Number PB0155)**

Case Type	BA
Filing Number	5364/2023 Filing Date: 05.10.2023
Registration Number	2999/2023 Date of Registration: 06.10.2023
CNR Number	PBTT0100-6162-2023
Date of Decision	10.10.2023

Dalbir Kaur wife of Harwinder Singh alias Harinder Singh son of Inderjit Singh, resident of village Kaler, Tehsil and District, Tarn Taran.

---Applicant/accused

Versus
State of Punjab

---Respondent

FIR No.159 dated 04.09.2023

Under Sections 307, 452, 427, 506, 148, 149 of IPC and Sections 25, 27
of Arms Act

Rapat number 42 dated 05.09.2023

Under Sections 307, 506, 148, 149 of IPC and 25, 27 of Arms Act
Police Station Sadar Tarn Taran

BAIL APPLICATION UNDER SECTION 438 Cr.P.C.

Present: Shri Guriqbal Singh Kang, counsel for the applicant/accused
Shri Gurpreet Singh Rana, Additional P.P. for State

ORDER

Applicant/accused has filed the instant bail application under Section 438 Cr.P.C., seeking anticipatory bail in the above noted case.

2. Present case FIR has been registered on the statement recorded by complainant Gurjot Singh alias Jot son of Balwinder Singh resident of Pandori Gola who stated that he is a resident of the said address and studying 10+2 standard at Government School Village Pandori Gola. On 03.09.2023 at about 10.30 P.M. he and his father Balwinder Singh were sitting in the courtyard of the house eating dinner and his mother was giving us food, then the outer main door of our house was knocked and his father Balwinder Singh opened the door. When his father Balwinder Singh opened the door, Rajinder Singh alias Deputy son

of Gurcharan Singh resident of Pandori Gola armed with 315 bore rifle, Baljinder Singh son of Gurcharan Singh resident of Pandori Gola armed with gun 12 bore, Amritpal Singh alias Fatta resident of village Pandori Gola Mohalla armed with Rifle 315 bore, Yadwinder Singh alias Yad son of Nirmal Singh armed with 315 bore rifle, Anmol son of Khajan Singh resident of Pandori Gola armed with 12 bore gun, Daljit Singh son of Major Singh resident of Pandori Golan armed with 12 bore gun, Jassa Bhangar empty handed and 78 unknown persons armed with rifles, guns, revolvers entered their house, then Rajinder Singh raised alarm to kill them today and Rajinder Singh fired his rifle directly at his father, which hit on the left arm of his father Balwinder Singh, but when they ran towards our living room to save their lives, the said accused fired at us with their own weapons. These fires hit from the walls and windows of their house. His mother Harjinder Kaur started locked the door of the room then he saw through the door that Yadwinder Singh fired a shot with his rifle which hit on the left arm of his mother Harjinder Kaur. His mother fell down on the ground. Then Baljinder Singh fired a blow of his gun to his father with the intention to kill him which hit on his right thigh and his father also fell down on the floor. He raised hue and cry Mar Dita-Mar Dita. They kept threatening and went out of the house while firing. Then he saw that the accused persons were broken the polo car which was parked outside their house and after vandalizing the car. All the accused persons ran away from the spot with their respective weapons on riding their Swift and Skoda Cars and bullet motorcycle.

3. It is argued by the learned counsel for the applicant/accused that applicant/accused is innocent and has been falsely implicated in the present cross version case. False Rapat number 42 dated

05.09.2023 has been registered at the instance of Gurcharan Singh son of Bachan Singh, resident of village Pandori Golan, Tehsil and District, Tarn Taran, due misunderstanding on the basis of false and baseless allegations. Moreover, no any injury has been attributed to the applicant/accused as she has been shown to be empty handed as shown in the Rapat as such she has been falsely involved in the present case and has got no concern with the alleged occurrence and she was only a passerby. No offence under Section 307 IPC is made out against the applicant/accused. Also complainant of this cross version DDR has since compromised the matter and also has executed his duly sworn affidavit to this effect. Obviously the complainant party is not going to support the version of the prosecution. Under the circumstances custodial interrogation of the applicant/accused is not necessary and prayed that applicant/accused may kindly be released on anticipatory bail.

4. On the other hand, learned Additional P.P. for the State prayed for dismissal of bail application. Investigating Officer, present in the court, has not denied the factum of compromise between the parties.

5. From the perusal of record it comes out that complainant of this cross version DDR and accused persons named therein have since entered into a written compromise. Though offence is not compoundable but under the circumstances it is clear that the complainant party is not going to support the version of prosecution. As such, without commenting anything upon the merits of the case and in order to facilitate the fair investigation, applicant/accused is directed to join the investigation before 16.10.2023 and cooperate with the same and in the event of her arrest, she be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer on the following conditions:

- 1) That applicant/accused shall appear before learned Investigating Officer as and when called upon by him/her.
- 2) That the applicant/accused shall not leave India without the prior permission of the court.
- 3) That the applicant/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade from disclosing such facts to the court, during trial.

Adjourned to 16.10.2023 for awaiting of the compliance of report from the concerned police station.

Announced: 10.10.2023

**Kawaljit Singh,
Additional Sessions Judge,
Tarn Taran.
UID Number PB0155**

Lovepreet Stenographer Grade-II