

PBGD010074872018



Presented on : 05-11-2018
Registered on : 05-11-2018
Decided on : 16-11-2018
Duration : 0 years, 0 months, 11 days

**IN THE COURT OF
Additional District & Sessions Judge
AT ,Gurdaspur
(Presided Over by Sh. Krishan Kumar Singla)**

BA/2992/2018

Bail application No.396 of 5.11.1998

1. Kulbir Singh son of Jaswant Singh residents of Village Baroa,
Dhariwal, Tehsil and District Gurdaspur.

.....Applicants/accused

Versus

State of Punjab

...Respondent.

FIR No.75 of 11.10.2018
Under Sections 326,325,323,324,34 IPC IPC
Police Station, Sekhwan

Present : Sh Mohit Mahajan Advocate, counsel for applicant/accused.
Sh. Bhupinder Sharma Addl. P.P for the State

ORDER.

1. This order of mine shall dispose of bail application filed by applicant/accused Kulbir Singh under Section 438 Cr. P.C for grant of anticipatory bail in FIR No. 326,325,323,324,34 IPC IPC registered at P.S. Sekhwan
2. Case of the prosecution is that complainant Tarlok Singh son

of Shingara Singh got recorded his statement before the Investigating Officer as to that he is agriculturist by profession. They all three brothers are having three shops. 4th shop of Jaswant Singh is also situated adjoining to their shops which is separate from their shops. For the cleanliness of shops, Jaswant Singh makes quarrels with them and stop them from cleaning their shops and cause obstacle in the passage when he uses the passage. On 9.10.2018, he was cleaning his shop. At about 2.30 P.M, his brother Jaswant Singh started abusing to him. In the mean time, his son Kulbir Singh armed with datar, his sister in law (Bharjai) Lakhwinder Kaur armed with iron rod came there and on reaching there, his sister in law (Bharjai) Lakhwinder Kaur raised a lalkara to catch hold of him and to finish him on the pretext that he disturbs them after coming to shop. His brother Jaswant Singh is running a shop of shuttering. He keeps the material in front of their shop. Lakhwinder Kaur after raising lalkara, attacked upon him with his rod which hit on the right side of his head. Then Jaswant Singh attacked four times with his stick/sota which hit on the back side of his head, on right arm and on right thigh. When he fell down, Kulbir Singh attacked with his datar on the shin of right leg. He raised raula. His elder daughter Lakhwinder Kaur who was coming from school after receiving the children came at the spot and saved him from the clutches of the accused party. Thereafter all the accused ran away from the spot alongwith their respective weapons.

He was got admitted to Civil Hospital, Batala by arranging a conveyance where he was medico legally examined by the concerned doctor. Prayer was made to take legal action against the culprits.

3. On the basis of said statement, present case was registered against applicant/accused and others. Hence, this bail application.
4. Notice of the bail application was given to State, Sh. Bhupinder Sharma, Ld. Addl. PP appeared on behalf of State.
5. Record has been called.
6. I have heard Sh. Mohit Mahajan Advocate, counsel for applicant, Sh. Bhupinder Sharma, Ld. Addl. PP for the State and have carefully perused record of the case.
7. Contention of Sh. Mohit Mahajan Adv, counsel for applicants/accused is that accused/applicant has been implicated in a totally false case. Applicant/accused who is student has not committed any offence as alleged in the FIR. In fact, complainant Tarlok Singh alongwith other co accused caused injuries to the applicant No.1 Jaswant Singh and he got admitted in CHC, Naushehra Majja Singh on 9.10.2018. Applicant/accused Jaswant Singh also moved application to this effect to the Incharge, Police Post NMH, but no action was taken by them. The initially, FIR was registered under Sections 323,324,34 IPC and the mother of applicant/accused had already joined the investigation, but police had refused to join Jaswant Singh, father of applicant/accused in

investigation and now the offence under Section 326 IPC has been added and police of P.S. Sekhwan has been raiding the house of petitioner. The complainant has falsely implicated all the family members of Jaswant Singh as he has grudge against the father of applicant over a property dispute and the injuries as alleged by the complainant are self inflicted. Applicant/accused is a student of Bsc. Agriculture and was present at Beant College of Engg, and Technology, Gurdaspur on 9.10.2018 from 9.40 AM to 5 P.M. His argument is that applicant/accused is ready to join investigation and cooperate with the Investigating Agency. So, prayer has been made by Sh. Mohiti, Adv, counsel for applicants/accused that application moved on behalf of applicants/accused for anticipatory bail may be allowed.

8. On the other hand, this contention has been refuted by Sh. Bhupinder Sharma, Ld. Addl. PP for the State. His argument is that offences alleged against the applicant/accused are very serious. Injury attributed to applicant/accused has been declared as grievous in nature. The injuries inflicted by accused/applicant is very serious and is on the right leg of shin of injured/complainant and the same has been declared as grievous injury. Allegations are serious. Weapon of offence i.e. datar is yet to be recovered. Custodial interrogation of applicant/accused is required. So, prayer has been made that application for anticipatory bail be dismissed.

9. Submissions have been considered.
10. Allegations against the applicant/accused are that he alongwith his father and mother attacked complainant with datar, rod as well as Sota. The injury attributed to applicant/accused is on the right leg of shin of complainant. Version of complainant is supported by medical evidence. Weapon used in crime is yet to be recovered. In the given circumstances, this court considers that effective investigation is not possible without custodial interrogation of applicant/accused.
11. Hence, no case for anticipatory bail is made out. So anticipatory bail application moved on behalf of applicant/accused is hereby dismissed.
12. However, the observations made above will have no bearing on the merits of case.
13. Record of the case be returned and file of bail application be consigned to the record-room.

Pronounced
Dated:-16.11.2018

(K.K.Singla)
Additional Sessions Judge,
Gurdaspur.
UID No. PB 0197

Present : Sh Mohit Mahajan Advocate, counsel for applicants/accused.
Sh. Bhupinder Sharma Addl. P.P for the State

Arguments heard. Vide my separate detailed order announced today, the present bail application has been dismissed . Record of the case be returned and file of bail application be consigned to the Record Room.

Pronounced
Dated:-16.11.2018

(K.K.Singla)
Additional Sessions Judge,
Gurdaspur.
UID No. PB 0197

Prem Kumar
Stenographer-II