

PBGD010073532023



Presented on : 08-09-2023

Registered on : 08-09-2023

Decided on : 12.09.2023

**IN THE COURT OF SH. AJIT PAL SINGH, ADDITIONAL
SESSIONS JUDGE, GURDASPUR.
UNIQUE IDENTIFICATION CODE NO. PB0226**

Bail application no. 474 of 08.09.2023

Date of Decision: 12.09.2023

CIS no. BA-3005-2023

FIR no. 242 dated 13.08.2023

Under Section: 323/452/380/354/427/511/148/149 IPC

P.S. Civil Lines Batala

Puran Chand @ Puran Singh son of Mohinder Singh resident of H.
No. 526, W. No. 1, Demp Wali Gali, Dera Baba Nanak Road,
Shukarpura, Batala, Tehsil Batala, District Gurdaspur.

.....Accused/applicant

Versus

State of Punjab

Second bail application under Section 438 CrPC.

Present: Sh. Sandeep Kumar Adv., counsel for accused-applicant.
Shri Hardeep Kumar, Addl.P.P for the State assisted by Sh.
Yuvraj Singh Bedi Advocate.

ORDER

1. This is an application for seeking bail under Section 438 Criminal Procedure Code moved on behalf of above said accused/applicant Puran Chand @ Puran Singh in the aforementioned FIR.

2. Notice of bail application was given to State, consequent upon which learned APP for the State assisted by Sh. Yuvraj Singh Bedi Advocate had put in appearance. Police record has also been received.

3. In brief, prosecution story is that present case was registered on the statement of prosecutrix daughter of late Saroop Singh to the effect that she had passed 10+2 class and is doing the work of saloon. On 20.10.2020 Rajwant Kaur and Jasbir Singh took her mother in the Courts, Tehsil Batala on the pretext that she had to give evidence in a case and after evidence, they came back to home. About six months ago, Rajwant Kaur and Jasbir Singh came to their house and told that they should vacate their half house because they have registry of their half house. They told that they did not sell their house and when they saw the registry, then they found that registry of half house was executed and Cheque of Rs. 10,800/- was shown to be given, but they never not received that cheque nor cheque was cashed by any Bank. In this way, they (accused) fraudulently got executed the sale deed of their half house and due to this, there was dispute between them from the last six months. On 11.08.2023 at about 10:00 AM, her brother Sukhdev Singh went outside from the house for some work and she along-with her mother was sitting on the upper portion of their house. They heard some noise of breaking something, then they saw that Jasbir Singh son of Mahinder Singh armed with Dattar, Rajwant Kaur wife of Jasbir Singh armed with Dang, Puran Chand son of Mahinder Singh armed with iron rod, Kuljit Kaur wife of Puran Chand empty handed, Roban Singh son of Puran Chand armed with Dang, Suraj and Deepa sons of Buta Singh armed with iron hammer, Rinku son of Pritam Singh armed with Dang, Raju empty hand, Jassi empty hand, Billa iron rod along-with 2-3 unknown women and 4-5 unknown persons empty handed were

demolishing their house with an intention to take the possession. Her mother tried to stop them, then Rajwant Kaur raised Lalkara that caught hold them and lesson should be taught for not giving the possession after executing the registry. Then Jasbir Singh gave Dattar blow from its reversed side, which hit on her right arm, then Rajwant Kaur gave dang blow which hit on her right arm, then Puran Chand gave iron rod blow which hit on her left arm and blood started oozing and she fell down on the ground. Then Jasbir Singh and Puran Chand along-with others gave kick blows, while she was lying on the ground. Jasbir Singh torn her clothes due to which she was naked and then Jasbir Singh and Puran Chand outraged her modesty. Her mother came forward to rescue her, then assailants gave beatings to her mother and insulted her. She raised alarm Mar Ditta Mar Ditta and on hearing her brother Sukhdev Singh came at the spot, who arranged a vehicle and admitted her in the hospital. All the assailants demolished their house frequently as her mother told her that all the accused had broken her entire furniture and house. They had also broken Almiary of the house and took pension book of her mother and Rs. 20,000/- along-with two gold rings amounting to Rs. 35000/-, two fans etc. On the basis of said statement, present case was registered.

4. I have heard the learned counsel for accused-applicant, learned Additional PP for the State assisted by Sh. Yuvraj Singh Bedi Advocate and have also perused the record very minutely with their able assistance.

5. Learned counsel for accused-applicant has argued that

accused-applicant is innocent and has been falsely implicated in the present case and he has not committed any offence. The police has registered the cross case against the accused-applicant and others in connivance with the complainant party and under political pressure. Even the accused-applicant is 50 % handicapped and the alleged injuries attributed to him are bailable in nature. It has further been submitted that nothing is to be recovered from the accused-applicant and he is ready to join the investigation as and when required and shall abide by all the terms and conditions as imposed upon him. Finally prayer for grant him anticipatory bail has been made.

6. On the other hand, while controverting the contentions put forth by learned counsel for accused-applicant, learned Additional PP for the State assisted by Sh. Yuvraj Singh Bedi Advocate vehemently opposed the contentions put forth on behalf of the present accused-applicant and argued that serious allegations have been leveled against the present accused/applicant and as such, he does not deserve the leniency of the court in grant of relief of anticipatory bail and finally prayer for its dismissal has been made.

7. After hearing learned counsel for the parties and perusing the record, it has come to forefront that the allegations against accused-applicant are that he along-with others co-accused (non-applicants) forcibly entered into the house of complainant and caused hurts on the person of complainant and her mother with their respective weapons. There are further allegations against accused-applicant Puran Chand @ Puran Singh that he in connivance with each other (non-applicants) outraged the modesty of the complainant.

These allegations are very serious and grave in nature. At this stage, it is too early to jump to any conclusion for the purpose of bail. The matter is still pending investigation and challan is yet to be presented. Therefore, there is every likelihood that if accused/applicant is granted bail, he may attempt to hamper the process of the investigation in one way or the other. Moreover, it would not give a right signal to the society. Without further delving into the merits of the case and keeping in view of the fact that there are specific and serious allegations against the present applicant, the court is of the opinion that at this stage, no exceptional circumstances are made out to attract the provision u/s 438 Cr.P.C for granting pre-arrest bail to the present applicant. Consequently, the bail application of accused applicant is dismissed.

8. Although this bail application is being dismissed, but it is made clear that nothing as expressed in the said order shall have any bearing on the merits of the main case. Police file be returned. File be consigned to record room.

Date of Order : 12.09.2023
Dilbag Singh, Stenographer-II

(Ajit Pal Singh)
Additional Sessions Judge
Gurdaspur/UID No. PB0226