

PBTT010060992024



Presented on : 02-12-2024

Registered on : 03-12-2024

Decided on : 10-12-2024

Duration : 0 years, 0 months, 8 days

IN THE COURT OF PRASHANT VERMA
ADDITIONAL SESSIONS JUDGE, TARN TARAN
(UID No. PB0236)

Case Type	BA
Filing Number	5154/2024
Registration number	3009/2024
CNR Number	PB-TT-01-006099-2024
Date of Decision	10.12.2024

Rajwinder Singh alias Raju, age 41 years, son of Sarwan Singh, resident of village Vairowal Bawian, District Tarn Taran.
.....*Accused/applicant*

Versus

State of Punjab.

(Bail Application under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023)

-0-0-

FIR No.158 dated 12.11.2024

Under Sections115 (2), 118 (1), 118 (2), 3 (5) of BNS, 2023

Police StationVerowal

-0-0-

Present : Shri Sourabh Pal, counsel for the applicant/accused.
Shri Gaurav Dewan, Additional Public Prosecutor for the State
ASI Lakhwinder Singh belt no. 127/TT along with record.

ORDER

1. This order shall decide the first application for bail filed on behalf of the applicant/accused in afore referred FIR.

2. Notice of the application was issued to the State and pending record was also perused. Report of the Ahlmad was called and he reported

that no other bail application of the accused was pending in any Superior Court.

ABSTRACT OF PROSECUTION STORY:

3. The present FIR was registered on the statement of complainant Gurbinder Kaur recorded on 12.11.2024. The very pith of her statement being that she was married to Jagjit Singh in the year 2008 and a matrimonial discord erupted between her and her in-laws. She obtained divorce in the year 2016 and thereafter she was married to Rajwinder Singh who was also a divorcee in the year 2017. Rajwinder Singh had son, Jobanpreet Singh from his earlier marriage. After marriage, complainant, Rajwinder Singh, Jobanpreet Singh and Gurkirat Kaur started living in the matrimonial home. Complainant's mother-in-law (sass) Amarjit Kaur, father-in-law (Sarwan Singh) were residing with complainant's brother-in-law (jeth) Yadwinder Singh. In the year 2021, Rajwinder Singh developed illicit relations with Preeti and started demanding divorce from complainant. He started quarrelling with the complainant and her mother-in-law, Amarjit Kaur, sister-in-law (nanan) Lakhwinder Kaur also started supporting the husband of the complainant. They used to meet Preeti in the house of Lakhwinder Kaur. Ultimately, the complainant disclosed about the same to her parents and mediation was carried out but Rajwinder Singh did not reform himself. On 10.11.2024, Lakhwinder Kaur had come to the house of the complainant. At about 3:30 P.M., Rajwinder Singh started quarreling with the complainant and her sister-in-law and mother-in-law also leapt in. Rajwinder Singh picked a dater and struck dater on the wrist of the left arm of the complainant, gave another blow on the left leg of the

complainant. The mother-in-law picked up a stick and gave stick blows on the waist of the complainant and her sister-in-law, Lakhwinder Kaur, gave slaps to the complainant and her bangle scraped against the ear of the complainant and she started bleeding and slumped on the ground. She was kicked by her mother-in-law and was also roughed up. When the complainant raised an alarm, they assailants fled away. She called her family members and was taken to Civil Hospital Mianwind.

***ARGUMENTS RAISED BY LEARNED COUNSEL FOR
APPLICANT/ ACCUSED:***

4. Contention of learned counsel for the applicant/accused is that the applicant/accused is innocent and has been falsely implicated in this in case. Besides that, the accused was already in custody since 13.11.2024.

ARGUMENTS OF LEARNED ADDL. PUBLIC PROSECUTOR

5. Contention of learned Additional Public Prosecutor is that allegations against the accused are serious in nature. Therefore, applicant/accused is not entitled for grant of regular bail and prayed for dismissal of the bail application.

GUIDING PARAMETERS

Prahlad Singh Bhati v. N.C.T., Delhi, (SC) : Law Finder Doc Id # 11452, 2001(5) BCR 727 : 2001(2) R.C.R.(Criminal) 377; *State through C.B.I. v. Amaramani Tripathi, (SC) : Law Finder Doc Id # 85804, 2005(34) AIC 1 : 2005(4) R.C.R.(Criminal) 280;*

(i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the charge; (iii) severity of the punishment in the event of conviction; (iv) danger of accused absconding or fleeing if released on bail; (v) character, behaviour,

means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being tampered with; and (viii) danger, of course, of justice being thwarted by grant of bail

DISCUSSION:

6. According to the MLR relating to the complainant, she had sustained three incised wounds, one on the left ear, other on the left forehead and the third on the left leg. She had complained of pain but there were no external marks of injury. Injury no.4, on the left leg, was declared to be grievous in nature. Examination of the record shows that accused/applicant was in custody since 13.11.2024. Presently the accused is in judicial custody and is no longer required for the purpose of the custodial interrogation. Grievous injury is on non-vital part of the body. Conclusion of investigation and trial will take its own time. His detention in judicial lock-up for more period shall be a burden on State exchequer.

CONCLUSION:

7. In view of above discussion and without commenting on merits of the case, the present application is ***allowed***. The applicant/accused is ordered to be released on bail subject to furnishing of his bail bonds in the sum of ***Rs.50,000/-*** with one surety of the like amount, to the satisfaction of the concerned Learned Court/Illaq/Duty Magistrate, subject to the conditions that :

1. the applicant-accused shall not, directly or indirectly, made any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court to any police officer;
2. the accused-applicant shall not leave India without the previous permission of the Court, including the trial Court.
3. the accused- applicant shall attend the proceedings in accordance with the conditions of the bonds so executed under Chapter XXXV

of BNSS.

4. the accused- applicant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected;
5. the accused-applicant shall not tamper with the evidence by any means;
6. the accused-applicant shall appear before the trial court on each date of hearing unless his personal appearance is exempted.

Bail file be consigned to the record room/annexed with the record.

Pronounced in open court
Dated: 10.12.2024

Prashant Verma,
Additional Sessions Judge
Tarn Taran/UID-PB0236

Typed by (Rahul Sharma Steno)