

PBTT010055012023



Presented on : 08-09-2023
Registered on : 11-09-2023
Decided on : 20-09-2023
Duration : 0 years, 0 months, 12 days

**IN THE COURT OF NEETIKA VERMA (UID No. PB0209)
ADDITIONAL SESSIONS JUDGE, TARN TARAN**

**Bail Application no. 2701 of 2023
Date of Order : 20.09.2023**

Raj Singh aged about 52 years s/o Bhag Singh r/o Ward no. 14, Opposite Civil Hospital, Jiwan Singh Basti, Patti, Tehsil Patti, District Tarn Taran.

.....Accused/petitioner

Versus

State.

(First Bail application under Section 438 Cr.P.C.)

-O-O-

FIR no. 130 dated 09.08.2023
U/S 452/354/323/506/148/149 of IPC
P.S City Patti.

-O-O-

Present : Sh. Ranjit Singh Advocate, learned counsel for
the accused-applicant.
Shri Satinderjit Singh Gill, learned Additional Public
Prosecutor for the State
ASI Kulbir Singh no. 1462/Tarn Taran along with police
record.

O R D E R

The above named accused has filed this application for grant
of pre-arrest bail under Section 438 of Criminal Procedure
Code(hereinafter referred to as Cr.P.C.), in FIR no. 130 dated 09.08.2023
U/S 452/354/323/506/148/149 of IPC P.S City Patti.

2. Notice of the bail application was issued to the State and police record was requisitioned.

COMPLIANCE OF DIRECTIVE CONTAINED IN ORDER DATED 28.07.2021 PASSED BY HON'BLE PUNJAB AND HARYANA HIGH COURT IN CRM-M-1695-2021

3. Carried out. Report of investigating officer attested by the Additional Public Prosecutor about pendency of or of any former adjudication of bail application before or by any Court under the provisions of Cr.P.C and the result thereof received. It was reported that neither any bail application relating to this case was pending and nor had it been decided earlier. Such a declaration is also contained in the bail application.

Ahlmad had also reported that according to the information available in the CIS system, no other bail application relating to this case is pending or decided by any Court.

ABSTRACT OF FIR:

4 The present case was registered on the statement of complainant Paveen Kumari who made a statement to the effect that she is a homemaker. She got divorced from her husband Ashok Kumar about 12/13 years ago. She is having two children. She alongwith her children is residing in the house at Patti. Her daughter is working at Apollo Hospital, Delhi and had come to meet her on 07.08.2023 at about 7:30 PM. She alongwith her children were sitting in the house. In the mean time, Parveen Kaur @ Billo, Kapil @ Kapu armed with dattar, Billu armed with dattar and Raj Singh armed with baseball, Happy armed with dattar , Akashdeep Singh armed with dang and two unidentified persons entered into her house and Parven Kaur rasied lalkara to teach a lesson for moving the

application against them and she caught hold of her from her hair. Kapil gave dattar blow which hit on her head. Raj Singh gave baseball blow on her legs and got tore away her shirt from front side. Happy gave two blows from reverse side of dattar on her waist. Her children raised an alarm. After hearing the noise, Vijay Kumar, brother of complainant and her neighborer came at the spot and tried to save complainant from the clutches of accused. Thereafter, Billu gave dattar blow on the on the right side of chest of Vijay Kumar. Akashdeep Singh gave dang blow on legs and head of Vijay Kumar and two unidentified persons gave fist blows and kick blows to the complainant and her brother. On seeing people gathering there, all the accused ran away from the spot alongwith their respective weapons. At this juncture, the elder brother of complainant Pawan Kumar and his son Sanju also reached there. On the basis of this statement, the present case was registered against the accused.

ARGUMENTS RAISED BY LEARNED COUNSEL FOR APPLICANT/ACCUSED:

5 Contention of learned counsel for the accused-applicant is that the accused-applicant is innocent and has been falsely implicated in this case. There is no iota of evidence to connect the accused-applicant with the alleged crime. No offence is made out against accused-applicant. The accused-applicant is ready to join the investigation.

ARGUMENTS OF LEARNED ADDL. PUBLIC PROSECUTOR AND LEARNED COUNSEL FOR COMPLAINANT.

6 The main contention of learned Additional Public Prosecutor for the State is that the accused-applicant caused injuries to the complainant and the custodial interrogation of the accused-applicant is required. Since the investigation is still in progress, considering the nature

of the allegations, the accused/applicant is not entitled to bail as specific injuries have been inflicted upon the complainant and her brother by him.

PREVIOUS ANTECEDENTS OF APPLICANT/ACCUSED:

7 *ASI Kulbir Singh no. 1462/Tarn Taran has suffered statement in the court that except for the present FIR, no other FIR is registered against the applicant/accused.*

GUIDING PARAMETERS

As outlined in *Gurbaksh Singh Sibbia v. State of Punjab, (SC) : Law Finder Doc Id # 104574 reported in 1980 AIR(SC) 1632 Bhadresh Bipinbhai Sheth v. State of Gujarat and Another : Law Finder Doc Id # 705395 reported in 2015 AIR(SC) 3090 Sushila Aggarwal and others - Petitioners Versus State (NCT of Delhi) and another – Respondents : Law Finder Doc Id # 1674499 reported in 2020 AIR (SC) 831*

(a) The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made; (b) The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a court in respect of any cognizable offence; (c) The possibility of the applicant to flee from justice; (d) The possibility of the accused's likelihood to repeat similar or other offences; (e) Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her; (f) Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people; (g) The courts must evaluate the entire available material against the accused very carefully. The court must also clearly comprehend the exact role of the accused in the case. The cases in which the accused is implicated with the help of Sections 34 and 149 of the Penal Code, 1860 the court should consider with even greater care and caution, because over implication in the cases is a matter of common knowledge and concern; (h) While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors, namely, no prejudice should be caused to free, fair and full investigation, and there should be prevention of harassment, humiliation and unjustified detention of the accused; (i) The Court should consider reasonable apprehension of tampering of the witness or apprehension of threat to the complainant; (j) Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the course of events, the accused is entitled to an order of bail.

DISCUSSION:

8 Perusal of the file reveals that the allegation against the accused-applicant is that the applicant/accused alongwith other co accused entered the house of complainant and all the accused gave severe beatings to complainant and her brother. The accused/ applicant tried to outrage the modesty of the complainant by tearing away the shirt which she was wearing from the front side. The accused/applicant entering the house of complainant, a lady living alone with her kids, alongwith other co-accused,armed with weapons prima facie show his intentions. Anticipatory bail to a person accused of assault and outraging the modesty of a woman cannot be granted keeping in view the interest of society at large and the fact that there is a record no of increase in crime against women. Such acts are required to be condemned and the culprits to be dealt with iron hands. Therefore, in view of the discussion referred above, the Court is not inclined to extend the benefit of anticipatory bail to accused/applicant Raj Singh. The bail application stands declined. Police record be returned forthwith. Bail papers be consigned to record room.

Pronounced in open court
Dated: 20.09.2023

Neetika Verma,
Additional Sessions Judge
Tarn Taran/UID-PB0209

Typed by Aman (Steno)

Present : Sh. Ranjit Singh Advocate, learned counsel for
the accused-applicant.
Shri Satinderjit Singh Gill, learned Additional Public
Prosecutor for the State
ASI Kulbir Singh no. 1462/Tarn Taran along with police
record.

Police Record received today. Statement of ASI Kulbir Singh
has been recorded. Arguments heard. Vide my separate detailed order of
even date bail application stands dismissed. Police record be returned.
Bail papers be consigned to record room.

Pronounced in open court
Dated: 20.09.2023

Neetika Verma,
Additional Sessions Judge
Tarn Taran/UID-PB0209

Typed by Aman (Steno)