

**IN THE COURT OF SH. DEVINDER KUMAR GUPTA,
ADDITIONAL SESSIONS JUDGE, S.A.S. NAGAR, (MOHALI)
(UID NO. PB0520)**

B.A. No. 562 of 12.12.2019
CIS no.2978 of 2019
CNR No. PBSA01-011119-2019
Decided on.20.12.2019

Har minder Singh son of Sulakhan Singh, resident of Village
Hoshiarpur, District SAS Nagar, (Mohali), Punjab.

.....Accused/Applicant.

Versus.

State of Punjab

.....Respondent.

FIR no. 239 dated 11.09.2018
under Sections: 307, 323, 452, 506, 148, 149 of IPC &
Section 25 of Arms Act
P.S. City Kharar, District S.A.S. Nagar, (Mohali).

Bail application under Section 438 C.P.C

Present: Sh. Gurmel Singh Dhaliwal, Advocate, counsel for the
accused/applicant
Sh. S.S. Sahota, Addl. PP for the State.

ORDER

1. This order of mine shall dispose of bail application filed
by accused/applicant seeking anticipatory bail in terms of Section 438
Cr.P.C. arising out of abovesaid FIR
2. Notice of bail application was issued to the State and
learned PP for the State has put in appearance. Record of investigation
summoned and perused.
3. Succinctly stated the instant case was registered on the
statement of Sumit Singh, who stated that on 11.09.2018 at about
12:00 Noon, he received a call of Baljit Chaudhary who asked him to
give him the key of Flat No.579. On this, a suspicion arose in his mind

that the said Baljit Chaudhary may take forcible possession of above flat, so he alongwith Jaspreet Singh and Vikas Mann went to above flat on a motorcycle where Baljit Chaudhary, Dhanbir Billa, Sourav Ahluwalia, Harjinder Singh Mottu Sohi (real name Harinder Singh) and Sukhbir Singh were present. When he and Vikas Mann entered in the flat, Baljit Chaudhary pointed revolver towards the complainant and pressed its trigger but it did not fire. Thereafter, Baljit Chaudhary gave a blow with the butt of revolver on the forehead of complainant. Accused Sukhbir Singh gave an iron rod blow on Jaspreet Singh. Accused/applicant Harjinder Singh (real name Harinder Singh) gave an iron rod blow on the complainant. Accused Sourav Ahluwalia gave a blow with the butt of riffle on the face of complainant. Accused Dhanbir Singh gave a sword blow on the knee of complainant. Thereafter, accused gave fist and kick blows to the complainant.

4. It is submitted by the learned counsel for the accused/applicant that the accused/applicant is a tenant in the flat in question. He has been falsely implicated in this case by the complainant. From the bare perusal of FIR no offence much less than the offence under Section 307 IPC is made out against the accused/applicant. He further argued that nothing is to be recovered from the accused/applicant. The accused/applicant is ready to join the investigation. So, he be released on anticipatory bail.

5. On the other hand, learned Additional Public Prosecutor have vehemently opposed the bail application on the ground that there

are serious allegations against the accused/applicant. The custodial interrogation of the accused/applicant is required for further investigation of this case. Hence, keeping in view the gravity of the offence, their anticipatory bail application may be dismissed.

6. I have heard the Id. Counsel for accused/applicant as well as learned Addl. Public Prosecutor for the state and also perused the record.

7. After giving thoughtful considerations to the rival and going through the record, this Court is of the considered view that the present bail application deserve dismissal as the accused/applicant is specifically named in the FIR. Specific role is attributed to the accused/applicant. The case is still at the stage of investigation. The plea of false implication, as now raised on his behalf, can only be ascertained by appreciating the evidence to be adduced during the course of trial. Custodial interrogation of the applicant is required to unravel the truth and recovery. Thus, considering the nature of allegations, at this stage, no exceptional circumstance is made out for grant of anticipatory bail to the accused/applicant. Consequently, bail application filed by accused/ applicant stands dismissed. Police file be returned. File be consigned to the record room.

Pronounced:
20.12.2019

Bhupinder Singh
Stenographer-III

(Devinder Kumar Gupta)
Addl. Sessions Judge.
S.A.S. Nagar, (Mohali).
(UID No.PB00520)