

Arjan Pal vs State of Punjab 1 UID No. PB 0197

PBGD010073842018



Presented on : 01-11-2018
Registered on : 01-11-2018
Decided on : 13-11-2018
Duration : 0 years, 0 months, 12 days

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

BA/2959/2018

Bail application No.392 of 1.11.2018

Arjan Pal aged about 48 Years son of Karam Chand, resident of Village Bhagatpur Railway Station, Qadian Tehsil Batala District Gurkdaspur.

...Accused/applicant

Versus

State of Punjab

...Respondent.

FIR No. 44 dated 10.10.2018,
under Sections 326,323,324,379,148,149 IPC,
P.S. Qadian.

Present : Sh Pankaj Kumar, Advocate, counsel for applicant/accused.
Sh. Bhupinder Sharma Addl. P.P for the State assisted by
Sh. Parun Bhagowalia, Advocate.

ORDER.

1. This order of mine will dispose of bail application filed under Section 438 Cr. P.C on behalf of accused/applicant Arjan Pal in case FIR NO.44 dated 10.10.2018, under Sections

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326,323,324,379,148,149 IPC, P.S. Qadian.

2. Case of the prosecution is that complainant Ram Raj son of Sadhu Ram got recorded his statement to the Investigating Officer as to that, he is a pensioner from CRPF department and now for the last about 6 years, he is working as Security Guard in Bajwa Agro Industry Department Pungrain, Qadian. He is doing duty shift wise from 1 P.M to 9 P.M. On 7.10.2018, after finishing his duty, he alongwith his son Amritpal was returning to his house on Scootary. At about 9.15 P.M (night), when they reached at Buttar chowk near shop of Wariam, then Davinder Kumar son of Des Raj armed with Kirpan, Pritam Lal son of Surjit Lal armed with datar, Arjan Pal son of Karam Chand armed with dang were already standing there alongwith 7/8 other unknown persons, they were having baseballs and dangs in their hands to whom he can identify if they are produced before him. Light was on in the Chowk. After seeing then, Arjan Pal raised a lalkara and asked to catch hold of them and declared that Ram Ram should be taught a lesson for pressurizing to make compromise with regard to the FIR earlier got recorded from the side of Davinder Kumar. His son stopped the moped/scootary and he asked to them not to make any quarrel. When he alighted from scootary then Davinder Kumar attacked with his kirpan/sword which hit on shin of right leg. He fell down. In the same condition, Pritam Lal attacked him with the reverse

side of datar which hit him on the left side of forehead and left eye. Unknown persons also caused injuries on his back, left arm and right arm with their baseballs and dangs. His son slipped away from the spot of occurrence on his scootary and he narrated the entire occurrence to his uncle Manjit Singh on phone and thereafter Manjit Singh and his son Amritpal came to the spot. His cousin Manjit Singh was also given injuries by the assailants. They both raised an alarm and on this, assailants ran away from the spot with their respective weapons. During the quarrel, Rs.6000/- and two mobile phones fell on earth which were also taken away by the accused persons. Thereafter, they were got admitted to the Hospital.

3. On the basis of said statement of complainant, aforesaid FIR was registered against applicant/accused and others. Hence this bail application.
4. Notice of the bail application was given to the State.
5. Sh. B.K.Sharma, Learned Additional P.P. has put in appearance on behalf of the State.
6. Record was received.
7. After hearing, Sh. Pankaj Kumar, Adv, counsel for applicant/accused and Sh. B.K.Sharma, Addl. PP for the State, on 6.11.2018, this Court granted interim relief to applicant/accused by passing following order:-

- ...“ *This is an anticipatory bail moved on behalf of applicant/accused Arjan Pal in case FIR NO.44 dated*

*10.10.2018, under Sections 326,323,324,379,148,149
IPC, P.S. Qadian.*

- *Notice of bail application was given to State.*
- *Sh. Bhupinder Sharma APP for the State put his appearance.*
- *Record has been called.*
- *Arguments heard.*
- *Contention of Sh. Pankaj Kumar Adv, Ld. Counsel for applicant/accused is that applicant/accused has been falsely implicated in this case. Contention of Sh. Pankaj Kumar Adv, counsel for applicant/accused is that present FIR has been registered by complainant as a counter blast to the case FIR NO. 44 dated 10.10.2018 registered by Narinder Kaur wife of Davinder Kaur who is one of the accused in the present case against complainant Raj Kumar and others. His argument is that alleged occurrence has been shown to be taken place on 7.10.2016 while FIR has been registered on 10./10.2016. From the FIR, it comes out that on the pretext of some compromise, earlier no statement was given by complainant to the police. It was thereafter, after gap of three days, complainant concocted a false version and implicate applicant/accused in this false case. His argument is that no injury is attributed to applicant/accused Arjan Pal. Simple Lalkara has been attributed to him. No case for custodial interrogation is made out. He argued that applicant/accused is ready to join investigation and co operate with the Investigating Agency.*
- *Adjourned to 13.11.2018*

- *Accordingly, in the meantime applicant/accused is directed to join investigation and cooperate with the IO. In the event of arrest of applicant/accused, he is ordered to be released on interim bail on his furnishing bail bonds and surety bonds to the satisfaction of IO/Arresting Officer, subject to conditions laid down Under Section 438(2) Cr.P.C. ”.*

8. Today, ASI Balkar Singh, I.O came present, who recorded his statement as follows:-

“It is stated that accused/applicant Arjan Pal has joined the investigation but he has neither got recovered any weapon used in the crime nor he has disclosed about the unknown co accused. He has further not recovered the mobile phones and Rs. 6000/- nor he is cooperating the Investigating Agency.”.

9. Arguments heard.

10. No injury is attributed to applicant/accused. In these circumstances, this court considers that no case for custodial interrogation is made out.

11. Hence, interim order dated 6.11.2018 whereby applicant/accused was ordered to be released on interim bail on his furnishing bail bonds and surety bonds to the satisfaction of IO/Arresting Officer, subject to conditions laid down Under Section 438(2) Cr.P., is hereby made absolute.

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12. Police record be returned and file be consigned to record room.

Pronounced
Dated:-13.11.2018

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

Prem Kumar
Stenographer-II

Present : Sh Pankaj Kumar, Advocate, counsel for applicant/accused.
Sh. Bhupinder Sharma Addl. P.P for the State assisted by
Sh. Parun Bhagowalia, Advocate.

Today, Sh. Parun Bhagowalia, Adv, has come present and appeared on behalf of complainant/respondent.

Statement of ASI Balkar Singh recorded today.

Arguments Heard. Vide my separate detailed order announced today, interim order dated 6.11.2018 whereby applicant/accused was ordered to be released on interim bail on his furnishing bail bonds and surety bonds to the satisfaction of IO/Arresting Officer, subject to conditions laid down Under Section 438(2) Cr.P., has been made absolute.

Police record has been ordered to be returned and file be consigned to record room.

Pronounced
Dated:-13.11.2018

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

Prem Kumar
Stenographer-II