

BA No. 2957-2020
CNR No.PBPT01-008762-2020

Gotamjit Vs. State.

FIR No. 274 dt. 27.9.2020.
Under Section 341,323, 342,364,382,506,211,148, 149 IPC
read with Section 25 of Arms Act.
P.S. Civil Lines, Patiala.

Application under Section 438 Cr.P.C.

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Present: Shri S.S.Saggu, counsel, for applicant-accused.
Shri Sumit Malhotra, Addl. Public Prosecutor for the State.

ORDER

This order shall dispose of bail application filed by the accused/applicant Gotamjit under Section 438 Cr.P.C.

2. Notice of the bail application was issued and police record perused.

3. It is submitted by ld.counsel for the applicant that the applicant/accused has been falsely involved by the complainant in the instant FIR in connivance with the police. The complainant has succeeded in concealing the material facts from the investigating agency with an intent to put pressure upon the applicant to effect compromise in FIR No.227 dated 24.8.2020 got registered against the complainant by the real brother of applicant. He has further submitted that factually, there was a dispute between the applicant and Rakesh Kumar who got registered false case against the applicant. On dated 26.9.2020 at about 9 PM, Jagbir Singh @ Jaggi and Rakesh Kumar came to the house of applicant and started abusing him and his family members. He started beating the

applicant and his family members. Jagbir Singh was armed with country made pistol. 315 bore. He threatened to shoot the applicant and his family. Father of applicant came at the spot and informed the police by dialing 100 number. However, the police officials who reached at the spot did not take any action on the complaint so lodged by the father of applicant. He has further submitted that even as per the allegations averred in the FIR, no offence falling under Section 364 and 382 IPC is made out against the applicant. The mother of applicant has already moved an application before the office of SSP, Patiala complaining false registration of case. Brij Lal and Amandeep have already been arrested by the police on 27.9.2020 and alleged recovery has already been effected. No further recovery is sought to be effected from the applicant. Applicant is not required for custodial interrogation. He has submitted that the applicant is ready and willing to join the investigation. Accordingly, he has prayed for grant of concession of pre-arrest bail to the applicant.

4. On the other hand, ld. Addl. PP for the State has opposed the bail application and submitted that the complainant has got friendly relations with Rakesh Kumar, who was allegedly beaten by the applicant, that led to registration of FIR No 242 dt. 26.9.2020 u/s 341, 323, 506, 34 IPC at P.S. Kotwali, Patiala. While the complainant was taking his friend Rakesh Kumar for getting medical treatment, Brij Lal alongwith two other persons restrained them in the street and started beating them. Rakesh Kumar succeeded in absconding from the spot, whereas complainant was forcibly taken to his home by Brij Lal. He was again beaten by the father of applicant and others. Applicant reached at the spot and sneaked country

made pistol in the belt of complainant on his back side. Subsequently, father of applicant gave false information to the police. When police reached at the spot, complainant was lying injured upside down the floor. He was taken to the hospital for medical treatment. Lateron, injured has narrated the entire incident stating the well planned thoughtful manner in which the applicant and his father have falsely duped/misled the police to take action against the complainant. He has further submitted that custodial interrogation of the applicant is required in order to get details of unknown persons, actual name of accused Lali as well as the source from which he procured country made pistol. Accordingly, he has prayed for dismissal of the bail application.

5. Heard. Perusal of police record produced before the court by ASI Amrik Singh reflects registration of instant FIR at the instance of informant/injured Jagbir Singh @ Jaggi. It is not disputed that on dated 26.9.2020 itself, an FIR has been registered against Gotam son of Brij Lal. As per the information given by the informant while he was taking his friend Rakesh Kumar to get him medicine, they were stopped by Brij Lal, Amandeep, Gagandeep alongwith 4/5 unknown persons. They are alleged to be armed with dangs/rods. All of them started beating the informant and Gogi. Gogi succeeded in absconding from the spot. Thereafter, the informant was forcibly taken inside the house of Brij Lal, where again he was beaten. While injured was lying inside the house of Brij Lal, applicant/accused Gotamjit is alleged to have reached at the spot. Thereafter, he removed the pistol from his pocket and sneaked the same in the belt of the informant on his back side. They also allegedly clicked

the photographs of the injured.

Perusal of police record further reflects that the police has been called at the spot by Brij Lal. When police party reached at the spot, informant was lying injured on the floor. He was sent to the hospital. Country made pistol loaded with a live cartridge that was sneaked in the left of informant was taken into police custody. When the police party reached at Rajindra Hospital, Patiala it came to know that after getting first aid the informant left the hospital any further information. On the next day, he has narrated the entire incident to the police. In accordance with the police proceedings incorporated in the statement of the informant despite information so given to the police by Brij Lal concerning the attack by the informant alongwith Gogi the police did not initiate any further proceedings. Although country made pistol was recovered from the belt of the informant the police did not proceed further. There is no attribution of the allegations concerning offences falling under Section 364/382 IPC against the applicant. Amandeep son of Brij Lal i.e., the accused who has already been arrested, has already lodged FIR bearing No 227 dt. 24.8.2020 against the informant and his companion Gogi for commission of offences falling under Section 341, 323,506, 34 IPC. In the said backdrop, without commenting upon the merits of the case and keeping in view the fact that applicant is ready to join the investigation, he is granted benefit of interim bail and he is directed to join the investigation forthwith and on his doing so, he shall not be arrested and shall be released on interim bail till 9.11.2020 on furnishing bail bonds/surety bonds to the satisfaction of the Investigating officer/

Arresting officer/ SHO, subject to the following conditions:-

1. That applicant shall make himself available for interrogation by a police officer as and when required.
2. That applicant shall not directly or indirectly make 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 courts or to any police officer.
3. That applicant shall not leave India without the prior permission of the Court.

Now to come up on 9.11.2020 for further proceedings.

Pronounced.
22.10.2020

Mahesh Kumar
Stenographer-I..
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(Rajvinder Singh)
Addl. Sessions Judge,
Patiala (UID NO. PB0184)

