

**IN THE COURT OF RAJWINDER KAUR
ADDITIONAL SESSIONS JUDGE,
FAST TRACK COURT,
EXCLUSIVELY TO DEAL WITH RAPE CASES,
FEROZEPUR (UID No.PB-0121)**

CIS No. BA/294 of 2025
CNR No. PBFZ0100-0808-2025
Date of order : 11.02.2025

Bhupinder Singh alias Sabha (*actual name is Bhuwinder Singh*),
*aged 32 years son of Bakhshish Singh, resident of Village Wahka,
Tehsil and District Ferozepur.*

.....Applicant/accused.

Versus

State of Punjab.

..... Respondent

FIR No. 252 dated 23.11.2024.

Under Sections 109, 115(2), 118(1), 191(3),

190, 194(2) of Bhartiya Nyaya Sanhita

(Offence under section 118(2) of BNS added

subsequently vide DDR No.10 dated 30.01.2025)

&

Section 25, 27 of Arms Act.

Police Station : Mamdot.

District : Ferozepur.

Bail application under Section 482 of BNSS.

Present: ***Sh. B.L. Malhotra***, Adv.counsel for applicants/accused.
Sh. Amandeep Prinja, Additional PP for the State.

ORDER.

Bhupinder Singh alias Sabha (actual name Bhuwinder Singh) (*accused-applicant*) has filed instant bail application ***under Section 482 BNSS (Bhartiya Nagrik Suraksha Sanhita)*** on the

ground that, he is innocent and a false case has been got registered by Jaspal Singh son of Gurmej Singh after concocting false story. Moreover, as per medico legal report of complainant, on medical examination, it is observed by the Medical officer that possibility of injury No.1 on left lower leg attributed to Bhupinder Singh (applicant/accused) being self suffered or caused with friendly hand cannot be ruled out and Investigating Officer to Investigate, thus it substantiate the version put forth by the applicant/accused that no such occurrence had taken place. Now, without thorough investigation, the police officials of **Police Station Mamdot, Ferozepur**, are conducting raids in the house of the accused-applicant. He is ready to join the investigation, if in that event IO/SHO/arresting officer be directed that on doing so, he be released on bail. (*Application is duly supported with affidavit*).

2. Upon notice, ***Sh.Amandeep Prinja, learned Additional Public Prosecutor***, for the State appeared. No reply to the application has been filed but hotly contested the same. It is argued that, since there are specific allegations regarding assailing grievous injuries to complainant and others, thus opposed prayer.

3. As per report of Ahlmad as well as Filing Branch, no bail application filed by applicants/accused is pending or decided

before Hon'ble High Court. Copy of report downloaded from the website of Hon'ble Punjab and Haryana High Court is attached.

4. **Police record** requisitioned, produced by **SI Sukhdev Singh No.1156/FZR** posted at police station **Mamdot, Ferozepur** who has suffered statement to the effect :

- (i) That **this is first bail application of applicant/accused** and no other bail application of applicants/accused is pending before any court of law.
- (ii) That as per MLR of complainant/injured Jaspal Singh, total 3 injuries were found. **Injury No.1 on left lower leg** after x-ray examination was declared as **'grievous in nature'** with **sharp edged weapon** whereas, **injuries no.2 and 3** were declared as **'simple in nature'**.
- (iii) Rashpal Singh received three injuries from the hands of Jangir Singh (co-accused/non-applicant). Injury No.1 with sharp edged weapon after x-ray examination was declared as simple whereas, injuries No.2 and 3 caused with blunt weapon also declared as simple in nature
- (iv) Injury on person of Lallo Bibi on left forearm was kept under observation and after x-ray examination declared as simple in nature.
- (v) **Injury No.1** on the person of Jaspal Singh **attributed to Bhupinder Singh** (applicant-accused) on left lower leg was declared as **grievous in nature** with **sharp edged weapon** and offence under section 118(2) of BNS was added vide **DDR No.10 dated 30.01.2025**.
- (vi) Injury attributed to **Sukhwinder Singh** (co-accused/non-applicant) on person of **Manna Bibi**

was declared as simple in nature. Injury attributed to Davinder Singh (co-accused/non applicant) on the person of Gurmej Singh after x-ray examination was declared as simple in nature.

(vii) That no other offence has been added or deleted in the FIR.

5. **Jaspal Singh son of Gurmej Singh (complainant/injured)**

suffered statement that on 23.11.2024 at about 11 AM, when he alongwith his family members was working in the fields, then **Mohinder Singh** armed with 'Pistol' alongwith his son **Lovepreet Singh** armed with 'Pistol', **Sukhwinder Singh** armed with 'Dang', **Davinder Singh** armed with 'Dang', **Sukha** armed with 'Kappa', **Jagir Singh** armed with 'Gandasi' alongwith 4/5 un-identified persons armed with deadly weapons came to spot. Mohinder Singh raised lalkara to caught hold and to teach them a lesson for ploughing land. Upon this, Lovepreet Singh fired shot from pistol aiming towards them, same hit on arm above wrist of left hand of Lallo Bibi. **Bhupinder Singh alias Sabha** gave blow of sharp side of **kappa** on his (complainant) **left leg**. **Bhupinder Singh** gave **repeated blow of Kappa** from sharp side, same hit on his **left shoulder**. **Bhupinder Singh** again gave **third blow of kappa**, same hit on **shin of left leg**. When Rashpal Singh, his elder brother intervened to rescue him, then Jagir Singh gave gandasi blow at head of Rashpal Singh. Jagir Singh

gave repeated gandasi blow from reverse side, same hit at back of left shoulder. Jagir Singh gave third gandasi blow from its tip, same hit at back of his brother. When Gurmej Singh(father of complainant) came forward to rescue them, then Davinder Singh gave gandasi blow,same hit on right thumb of his father Gurmej Singh. Second blow of gandasi given by Davinder Singh hit at back of right shoulder of Gurmej Singh. When Manna Bibi came forward, Sukhdev Singh gave dang blow, same hit on middle finger of left hand. Their noise attracted other persons working near fields and on seeing them, all the assailants fled away from the spot alongwith their respective weapons. Motive for assailing injuries is dispute regarding 1-1/2 kanals of land as accused intends to take forcible possession. Instant case ***under sections 109, 115(2), 118(1), 191(3), 190, 194(2) of BNS and section 25,27 of Arms Act*** was got registered.

As per **medico legal report of Jaspal Singh**, total **three injuries** were observed. **Injury No.1 on left lower leg** with sharp edged weapon, **attributed to Bhupinder Singh**, after x-ray examination, was declared as '**grievous in nature**' whereas, **injuries No.2 and 3** were declared as '**simple in nature**' with blunt weapon.

As per **medico legal report of Rashpal Singh**, total **three injuries** were observed. Injury No.1 on centre of head,

attributed to **Jagir Singh**, after x-ray examination was declared as 'simple in nature' with sharp edged weapon. Whereas, **injuries No.2 and 3** were declared as 'simple in nature' with blunt weapon.

As per **medico legal report of Lallo Bibi**, one injury was observed i.e. on left fore arm and after x-ray examination, same was declared as 'simple in nature'.

Since, **injury at person of Jaspal Singh**, attributed to **Bhupinder Singh** on left lower leg was declared as **grievous in nature** with sharp edged weapon, thus vide ***DDR No.10 dated 30.01.2025, offence under Section 118(2) of BNS was added subsequently.***

6. After having considering rival submissions put forth by counsel for both the parties and, perusal of the original file reveals that, as per medico legal report of **Jaspal Singh** (complainant-injured), injury No.1 on left lower leg, attributed to **Bhupinder Singh** (applicant-accused) with sharp edged weapon, though declared as grievous in nature but same is on non vital part of the body and moreover, as per medical opinion, whether injury is self suffered or caused by friendly hand, thorough investigation is required to be conducted. Thus without commenting upon the merits of the bail application, it seems that, there is enough space for investigation from

the point of view of the applicant/accused. Moreover, after applicant/accused join the investigation, clouds of dust surrounding the prosecution case, would become clear and, it would lead the case to logical conclusion and further, in order to conduct effective investigation, **Bhupinder Singh alias Sabha** (actual name Bhuwinder Singh) (*accused-applicant*) is **allowed** to join investigation **within three days**, and on his doing so, he shall be released on **interim anticipatory bail** to the satisfaction of Investigating Officer/Arresting Officer/SHO concerned, subject to the compliance of the following conditions:-

1. That the applicant shall join the investigation as and when required by the police.
2. That the 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 court or to any Police Officer.
3. That the applicant shall not leave India without prior permission of the court.

Copy of this order be sent to the concerned quarters for compliance. Record be produced on **15.02.2025**. However, these observation of mine shall have no effect on the merits of the case.

Dated: 11.02.2025.

Manoj Kumar
Stenographer-II

(Rajwinder Kaur)
Addl. Sessions Judge,
(Fast Track Court),
(exclusively dealing with rape cases)
Ferozepur, UID No.PB-0121