

PBTT010059732024



Presented on : 26-11-2024

Registered on : 27-11-2024

Decided on : 10-12-2024

Duration : 0 years, 0 months, 14 days

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

Bail Application no. 2941 of 2024**Date of Order : 10.12.2024**

- 1 Rajan Singh @ Honey aged about 27 years s/o Baldev Singh r/o Ward no. 02, Patti, District TarnTaran.
- 2 Shiv aged about 21 years s/o Gurjit Singh r/o Ward no. 2 Patti, District TarnTaran.

.....Accused/petitioners

Versus

State.

(First Bail application under Section 482 of B.N.S.S.)

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FIR No. 126 dated 26.09.2024

U/s 109, 351(2), 191(3), 190 of BNS r/w section 25/27 of Arms Act.

P.S City, Patti.

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Present : Sh. Jagatpal Maini Advocate, counsel for
the accused-applicant.
Shri Ravinder Singh, Additional Public
Prosecutor for the State.
Sh. K.S Mand, Adv counsel for complainant.
HC Dilbagh Singh no. 44/T.T alongwith police record.

ORDER

The above named accused have filed this application for grant of pre-arrest bail under Section 482 of Bharatiya Nagarik Suraksha Sanhita(hereinafter referred to as BNSS), in FIR No. 126 dated

26.09.2024, U/s 109, 351(2), 191(3), 190 of BNS r/w section 25/27 of Arms Act. 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 BNSS 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 criminal law was set into motion on the basis of the statement of complainant Tejpal Singh s/o Manjit Singh who contended that he has a welding shop at Tarn Taran Road, Patti. On 25.09.2024 at about 10:15 PM, he alongwith his brother Gurpreet Singh and their other friends were standing opposite Amardeep Palace, Kandiala Road Patti. From Kandiala side, one Honda Amaze car with Honey, Shiva and 2 unidentified persons stopped near them. The said car was driven by Honey and he was blowing horn when he came near the complainant and his brother. When the complainant asked the reason of his honking the

horn, Honey started abusing him and drove away. After about 15 minutes, i.e. at 10:30 PM, one xylo car came in which, Goli as Raja armed with pistol, Billa @ Hiddi armed with pistol, Gouri armed with pistol alongwith Honey, Shiv and 2/3 unidentified persons came there. The moment they came near the complainant and his friends, Billa @ Hiddi fired towards the complainant which hit the complainant on his left thigh and he fell down. At this, Shiva gave blow to the complaint with his karha. The brother of the complainant came forwarded to save him and Gauri fired at his brother Gurpreet Singh which hit on his left foot. Thereafter, Goli @ Raja fired another shot which hit the brother of the complainant on his left foot. And Honey gave blow upon chest of the complainant. The complainant and his brother and their friends raised an alarm and accused alongwith their respective weapons ran away from the spot. The complainant and his brother were taken to Guru Nanak Dev Hospital for treatment. 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-applicants is that the accused-applicants are innocent and have been falsely implicated in this case. There is no iota of evidence to connect the accused-applicants with the alleged crime. No offence is made out against accused-applicants. The applicant/accused has further contended that they would not tamper with the prosecution evidence and will not abscond from the trial Court and would appear on each and every date of hearing and shall not misuse the concession of bail and will abide by all the terms and conditions as laid down under Section 482 of B.N.S.S or as imposed by

the Court and finally, it has been prayed that the applicants/accused may be granted anticipatory bail.

ARGUMENTS OF LEARNED ADDL. PUBLIC PROSECUTOR

6 The main contention of learned Additional Public Prosecutor for the State is that the custodial interrogation of the accused-applicants is required. It has been further submitted that considering the nature of the allegations, the accused/applicants are not entitled to bail.

PREVIOUS ANTECEDENTS OF APPLICANT/ACCUSED:

7 *HC Dilbagh Singh suffered statement in the Court that except for the present FIR, no other FIR is pending/registered against the applicants-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 From the perusal of the police record it transpires that two empty shells have been recovered from the spot and taken into police possession. The medical record also shows that the victim was admitted to hospital with gunshot injuries. Perusal of the contents of the FIR as well as police record transpires that applicants/accused gave injuries to the victim after he fell down due to gunshot and were apparently members of unlawful assembly which caused gunshot injuries to the complainant. It prima facie points towards petitioner's involvement in the commission of crime. The impact of crime does not justify pre-arrest bail to the accused/applicant.

 Considering the discussion as referred above, there is possibility of the applicants-accused fleeing from justice if granted the benefit of anticipatory bail and also interference in the investigation process. The Court is of the opinion that at this stage, no exceptional circumstances are made out to attract the provisions of section 482 of BNSS for granting pre-arrest bail to applicant.

CONCLUSION:

 In view of the discussion referred above, the bail application under Section 482 of BNSS filed by applicant is dismissed but it is made clear that nothing expressed in the said order shall have any bearing on the merits of the main case.

Police record be returned forthwith, while file of this Court be consigned to record room and be attached with the remand papers/challan pending, if any.

**Pronounced in open court
Dated: 10.12.2024**

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

Typed by Aman (Steno)

Present : Sh. Jagatpal Maini Advocate, counsel for
the accused-applicant.
Shri Ravinder Singh, Additional Public
Prosecutor for the State.
Sh. K.S Mand, Adv counsel for complainant.
HC Dilbagh Singh no. 44/T.T alongwith police record.

Power of attorney on behalf of the complainant has been filed
by Sh. K.S Mand Adv. Police record received. Statement of HC Dilbagh
Singh has been recorded. Arguments heard. Vide my separate detailed
order of even date, the present bail application stands dismissed. Police
record be returned forthwith, while file of this Court be attached with
remand papers if any or consigned to the record room.

Pronounced in open court
Dated: 10.12.2024

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