

**THE COURT OF JASWINDER SINGH
ADDITIONAL SESSIONS JUDGE, GURDASPUR**

CIS No.BA/2955/2021
CNR No. PBGD01-006174-2021
Date of Decision: 20.09.2021

Mehar Singh son of Sulakhan Singh, resident of village Fattu Barkat, P.
O. Mullanwal(wrongly mentioned as vill. Budha Bala), Tehsil and District
Gurdaspur.

.....Petitioner

Versus

State of Punjab.

.....Respondent.

FIR No. 61 Dated 08/08/2021
U/Ss 307, 120-B IPC and
U/S 25 of Arms Act
Police Station: Bhaini Mian Khan

First application for bail under Section 438 Cr.P.C.

Present: Shri J.S.Pahra, Advocate, counsel for
petitioner .
Shri Kiran Kumar, Additional P. P. for State

ORDER

1. This is an application under Section 438 of Cr.P.C. for the
grant of anticipatory bail to the petitioner for the alleged commission
of offences as mentioned above.

2. Upon notice learned Additional P. P. put in appearance
on behalf of State and contested the bail application. Police record
was requisitioned and perused.

3. Present FIR was got registered by Sukhraj Singh with the allegations that he is an agriculturist by profession. His wife Lovely Devi is present Sarpanch of village. He is a worker of congress party. On 08/08/2021, at about 9.30 AM, he was coming from village Budha Bala to his village and a motorcycle was coming behind him. When he reached near the turn of village Munan, he heard sound of gunshot from backside. He slowed down the motorcycle and saw that a splendor motorcycle of black colour was coming, which was being driven by Mehar Singh and Gurmukh Singh alias Bhaia was pillion rider, who was having a revolver in his hand. He again fired a shot towards him with an intention to kill him. He bent down and fire passed over him. He fled away from the spot by speeding up the motorcycle. Both the above said persons turned back and ran away from the spot. He is sure that aforesaid persons fired at him at the instance of Baghel Singh, who did it at the instance of Guriqbal Singh alias Billa and Ranjit Singh alias Sony.

4. It is submitted by learned counsel for petitioner that the petitioner is innocent and has been falsely implicated in this FIR. The petitioner has been implicated in this FIR on the basis of suspicion and not on the basis of concrete evidence. From the version of FIR, no offence is made out against the petitioner. It is a no injury case. Petitioner is ready to join investigation and to cooperate in the same, so, he may be admitted to pre-arrest bail.

5. On the other hand, it is submitted by learned Addl. P. P. that the allegations against the petitioner are serious in nature. The custodial interrogation of petitioner is required for further investigation of the present FIR, as such, present bail application may be dismissed.

6. I have considered rival contentions of learned counsel for petitioner as well as of learned Additional Public Prosecutor and also perused the record.

7. As per allegations contained in the FIR, the petitioner was driving the motorcycle, from where pillion rider Gurmukh Singh allegedly fired from revolver towards complainant Sukhraj Singh. Keeping in view the nature of allegations, this Court is of the opinion that custodial interrogation of petitioner would be required for further investigation. Hence, present bail application is hereby dismissed. Police record be returned. Copy of this order be sent to the court of learned Illaqa Magistrate for attaching the same with remand papers/FIR. Record of present bail application be consigned to the record room.

Pronounced
Dated:20/09/2021
Prem Kumar, Stenographer-II

(Jaswinder Singh)
Addl.Sessions Judge,
Gurdaspur.

Present: Shri J.S.Pahra, Advocate, counsel for
petitioner .
Shri Kiran Kumar, Additional P. P. for State

ASI Jagdish Singh NO.1112/GSP P.S. Bhaini Mian Khan
has come present and recorded his separate statement.

Police record produced. Arguments heard. Vide my separate
detailed order of even date, bail application has been dismissed. Police
record be returned. Copy of this order be sent to the court of Illaqa
Magistrate, for attaching the same with remand papers. Record of present
bail application be consigned to the record room.

Pronounced
Dated:20/09/2021
Prem Kumar, Stenographer-II

(Jaswinder Singh)
Addl.Sessions Judge,
Gurdaspur.