

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

CIS No. BA/2977 of 2023

CNR No. PBFZ0100-7849-2023

Date of order : 22.11.2023

1. **Raj Singh**, aged 35 years s/o Jeeta singh, R/o village Rauke Hithar, Mamdot, Tehsil and District Ferozepur.
2. **Baj Singh**, aged 27 years son of Jeeta singh, r/o village Rauke Hithar, Mamdot, Tehsil and District Ferozepur.

.....Applicants/accused.

Versus

State of Punjab.

..... Respondent

FIR No. 159 dated 06.09.2020

Under Sections 302, 458, 323, 148/149 of IPC.

Police Station Mamdot District Ferozepur.

Bail application under Section 438(i) of Cr.P.C.

Present: ***Sh. J.S. Kalra Advocate***, counsel for applicants/accused.
Ms. Teena, Addl. PP for the State.

ORDER.

This is the second bail application filed by **Raj Singh** and **Baj Singh** (applicants/accused) under Section 438 (i) of Cr.P.C on the ground that first bail application was filed by applicants/accused

but due to some misconception that **Baj Singh** and **Raj Singh** were summoned as additional accused under section 319 Cr.P.C. On coming to know real facts, first bail application was dismissed as withdrawn with liberty to file fresh. It is submitted that Raj Singh and Baj Singh (applicants/accused) are innocent, having nothing to do with said offense. As per allegations, it is alleged that on 05.09.2020 at about 12/12.15 PM, **Raj Singh** and **Baj Singh**, both armed with respective dangs along with Balveer Singh, Sandeep Singh armed with dangs and Jeet Singh, Salwinder Singh, Jujj Singh and Darshan Singh came by raising Lalkaras and gave beatings and it is alleged that applicants struck the face of mother of complainant towards wall, she fell down and died subsequently. It is further submitted that it is highly improbable that persons armed with Dangs will inflict any injury. It is further submitted that no specific injury has been attributed to **Raj Singh** and **Baj Singh** (applicants/accused) nor any recovery is to be effected. Now, police officials of police station Mamdot Ferozepur at behest of complainant are conducting repeated raids in order to arrest them. However, being law abiding citizen, they are ready to join the

investigation, if IO/SHO/arresting officer be directed that on doing so, they be released on bail. (*Application is duly supported with affidavit*).

2. Upon notice, **Ms. Teena**, Addl.P.P for the State has appeared on behalf of the State. No reply to the application has been filed but hotly contested the same.

3. Police record requisitioned, received and perused. During course of arguments, it has come into my notice that one trial titled as *State Versus Jeet Singh and others bearing CIS No. SC 143/2021* is pending wherein Jeet Singh, Sandeep Singh, Darshan Singh, Salwinder Singh and Judge Singh (co-accused/non applicants) are facing trial. Thus, original record of said case is also requisitioned and received.

4. **Criminal law** was set into motion on the basis of statement suffered by Roshan Singh that **Raj Singh armed with dang**, **Baj Singh armed with dang** along with other co-accused (non applicants) Balvir Singh and Sandeep Singh armed with stick, Jeet Singh, Salwinder Singh, Judge Singh and Darshan Singh by raising Lalkara, hurling abuses forcibly entered into their house. Sandeep Singh also gave stick blow, same hit on his hand. His noise attracted Thakro Bibi (mother), when her mother came to rescue him, Balvir

Singh started giving fists blows. The above said accused dragged her mother into street. **Raj Singh** and **Baj Singh** *caught hold his mother and hit her face against wall, due to this, she fell down.* All the accused gave kick blows to his mother when she was fell down on grounds. Due to hidden injuries as the injury on the face was serious, thus she died at the spot. Instant case under Sections **302, 458, 323, 148/149** of IPC was registered.

5. On autopsy of dead body of Thakro Bibi, the cause of death is due to *fracture of left sided facial bone and bone of orbit of left eye and cervical spine injury leading to neurogenic shock casing death in ordinary course of nature all injuries are antemortem in nature*

6. **Shri Jasbir Singh Kalra Advocate**, Ld. counsel for accused/applicants has argued that there is no direct or indirect evidence to connect **Raj Singh** and **Baj Singh** (applicants/accused) with the alleged commission of crime. He further submitted that in trial of Jeet Singh, Salwinder Singh, Sandeep Singh, Jujj Singh and Darshan Singh (co-accused/non applicants), PW-1 Roshan Singh has completely exonerated the accused and had not levelled any allegations against them, rather he has stated that some unknown persons had

assailed injuries. Thus, there is no direct or indirect evidence to connect **Raj Singh** and **Baj Singh** (applicants/accused) for commission of crime. Therefore prayer made for bail.

7. On the other hand, **Ms. Teena**, Ld. Addl.P.P for the State has refuted such arguments and submitted that there are specific allegations levelled against applicants/accused. Thus, opposed the prayer.

8. After having considering rival submissions put forth by Ld. counsel for both the parties, without commenting upon statement of *complainant Roshan Singh PW-1 in trial titled as State Vs Jeet Singh and others bearing CIS No. SC143/2021* against Jeet Singh, Salwinder Singh, Sandeep Singh, Darshan Singh and Juj Singh (co-accused/non applicants), since there are specific allegations levelled by complainant against applicants/accused in his first statement, on the basis of which law was swung into motion, coupled with the medical evidence, wherein it is opined that :

Cause of death is due to fracture of left sided facial bone and bone of orbit of left eye and cervical spine injury leading to neurogenic shock casing death in

ordinary course of nature all injuries are antemortem

in nature, if concession of pre-arrest bail has been granted, certainly, it will hamper the police investigation. So keeping in view gravity of offence, no ground is made out to grant the extra ordinary concession of pre-arrest bail to **Raj Singh** and **Baj Singh** (*applicants/accused*). Therefore, bail application filed by the accused/applicants **Raj Singh** and **Baj Singh** is hereby ***dismissed***.

However, these observation of mine shall have no effect on the merits of the case. File be consigned to record room after due compliance.

Dated: 22.11.2023

Gurpreet Singh
Stenographer-II

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