

BA2775 Ashok Kumar Vs.State
(CNR No.PBHO010086952023)

Present: Sh.Rakesh Marwaha, Advocate counsel for the bail applicant/accused
Sh.Pawanpreet Singh, Addl.Public Prosecutor for the respondent State.

This application under Section 439 of the Code of Criminal Procedure for grant of regular bail was filed by bail applicant/accused Ashok Kumar alias Shoki on 07.10.2023. Upon notice, respondent State appeared and contested the bail application. Police record has been produced by ASI Nanak Singh.

Arguments heard. Record perused. In this case, FIR No.379 dated 21.09.2023, under Section 324, 326, 506, 34 of Indian Penal Code, Police Station City, District Hoshiarpur, has been registered on the basis of statement of complainant Dinesh Jaswal to the effect that her neighbourer Ashok Kumar alias Shoki has been teasing her daughter Pooja, whose marriage was solemnized on 04.09.2022. She came to her matrimonial home on 01.07.2023 and accused Ashok Kumar alias Shoki continued to tease her. On 17.08.2023, the complainant was going on Aactiva Scooter and accused Ashok Kumar alias Shoki teased her. She raised objection and then he gave iron rod blow towards her. But she saved herself and the iron rod hit her Scooter. His wife Aarti also came there armed with a sharp edged weapon and gave blow hitting on her left arm. His nephew Sharry alias Kaka and his friend Kunal also came there and also started beating her. Ashok Kumar alias Shoki slapped her. She raised noise and her son Sagar came there and accused beat him also. Thereafter, the accused ran away from the spot and she was shifted to Civil Hospital, Hoshiarpur.

Upon registration of the formal FIR, investigation of the case is being conducted. During investigation, the bail applicant/accused was arrested on 30.09.2023 and is in custody since then.

Through the present application, regular bail has been sought by the bail applicant/accused on the grounds that false allegations have been levelled against him; there is an inordinate delay in recording the FIR; no injury is attributed to him; there is only one injury on the person of the complainant; actually injuries were caused to his mother Asha Rani in a quarrel between women and she was medico legally examined; despite approaching the police, no action has been taken against the complainant party; conclusion of investigation and presentation of challan will take sufficient long time and no useful purpose will be served by keeping him in custody. However, these allegations have been denied by the respondent State while contending that the quarrel took place on account of issue of eve teasing and hence the bail applicant/accused is not entitled to concession of regular bail.

Perusal of police record reveals that there is only one injury on the person of the complainant which is an incised wound on her left area with a sharp edged weapon and the same was declared grievous in nature. It has not been attributed to the bail applicant/accused, who was arrested on 30.09.2023 and is in custody. It is a case of version and cross-version because perusal of medico legal report of Asha Rani mother of the bail applicant/accused shows that she was medico legally examined on 17.08.2023 i.e. prior to medical examination of the complainant. Two injuries were found on her person. Information was given to the police, but

no action was taken. Then application dated 09.08.2023 was filed with the SSP, Hoshiarpur. Photographs of injuries of Asha Rani have also been placed on record. The bail applicant/accused is stated to be not required for further custodial investigation/interrogation. Completion of investigation and presentation of challan will take sufficient long time. No useful purpose will be served by keeping the bail applicant/accused in custody for long time. Therefore, without commenting on the merits of the case, the bail applicant/accused is ordered to be released on bail on his furnishing personal bond in the sum of ₹50,000/- with one surety of the like amount to the satisfaction of the Learned Area/Duty Magistrate. Police record be returned forthwith. This file be consigned to the record room.

Pronounced in open court on:
17.10.2023
Suresh Sood, Stenographer

(Dilbagh Singh Johal)
Sessions Judge, Hoshiarpur.
(UID No.PB0069)