

CNR No. PBSG01009946-2018

BA -3102-2018

Devinder Singh and others Versus State.

FIR No.104 Dated 04.10.2018.

U/s 307, 341, 352, 353, 427,186, 148,149 IPC.

Section 307 IPC has been deleted later on .

Police Station: Sadar Sangrur.

Present: Shri P.S. Grewal, Advocate, counsel for applicants Devinder Singh, Sukhwinder Singh, Manjeet Singh and Bachittar Singh, Gurjeet Singh and Gurjant Singh.
Shri Mahesh Goyal, Additional PP for the State assisted by Shri SS Punia, Advocate.

ORDER

This order shall dispose of the bail application filed by the applicants-accused under Section 439 Cr.P.C, for releasing them on regular bail.

2. Notice of the bail application was given to State. The learned Additional PP for the State, made appearance on behalf of the State and got produced the record.

3. I have heard the learned Counsel for applicants, Additional PP for the State and also perused the record.

4. It is submitted by the applicants as well as argued by their counsel that no offence has been committed by the applicants. They are in custody since long. The name of only Bachittar Singh is mentioned in the FIR. The names of other accused are not mentioned therein. The identification of accused-applicants is not established on record. No

identification parade has been got conducted. The accused have been falsely implicated due to party faction. Neither statement of Sukhbir Singh Badal has been recorded so far, nor the alleged vehicle has been taken into custody. The offence punishable under Section 307 IPC has been deleted by the police. They are ready to abide by all the conditions to be imposed by the Court. Hence, the prayer for relief of regular bail.

5. On the other hand, while controverting his contentions, the learned Additional PP for the State has vehemently argued that as allegations against the applicants are grave in nature, they do not deserve the leniency of the Court in grant of relief of regular bail.

6. The FIR in the present case was got lodged against Bachitar Singh, Amarjit Singh and various unknown persons on the basis of application of complainant Viranjit Singh Kharial. Allegedly, on 04.10.2018, Shri Sukhbir Singh Badal was coming from Barnala to Gurudwara Nankayana Sahib Sangrur in his Land Cruiser car bearing no. PUX-1 to address a meeting. He was sitting along side him. When at about 4:00 PM, they reached near Grewal Pump, Bachitar Singh, Amarjit Singh along with 35 unknown persons tried to encircle them. They gave swords blows on the car of Shri Sukhbir Singh Badal with an intention to kill him. The escort and police officials saved him, otherwise they would cause more damage. Davinder Singh, Sukhwinder Singh, Manjit Singh, Gurjit Singh and Gurjant Singh @ Laddu (present applicants) have been nominated on the basis of statement of Shri Harmik Singh, PPS, SP

(Protection Officer) under Section 161 Cr. P. C. The applicants are in custody since 06.10.2018.

7. As is transpired from the record, there is report dated 14.11.2018 given by Special Investigation Team. Therein, the offence punishable under Section 307 IPC has been recommended to be deleted. Now, the applicants are relying mainly on this report while seeking relief of regular bail. It seems that the Investigating Agency took into its own hands the process of trial and reached the above said conclusion in the alleged manner. In fact, it was too early to jump to any such conclusion at this stage, particularly the photographs on record showed the assailants armed with deadly weapons.

8. From the afore said discussion, the Court is of the opinion that the allegations against the present applicants are grave in nature. So far the **averments/contentions of the learned counsel for applicants** are concerned, those are matters to be appreciated only after taking evidence during trial. At this stage, it is too early to jump to any conclusion for the purpose of bail. The matter is still pending investigation and challan is yet to be presented. Therefore, there is every likelihood that if granted bail, the applicants may attempt to hamper the process of the investigation/trial in one way or the other. Without further delving into the merits of the case and in view of the serious allegations against the present applicants, the court is of the opinion that at this stage,

the applicants are not entitled to the concession of bail. Consequently, the bail application is **dismissed**.

9. Police record be returned. Bail papers be consigned to the Record Room, Sangrur.

Announced in open Court.

Dated: 01.12.2018.

Rajiv Kumar, JW.

(Dr. Rajneesh)
Additional Sessions Judge,
Sangrur (UID-PB0172).