

**IN THE COURT OF SH. HARPAL SINGH, SESSIONS JUDGE,
SAS NAGAR (MOHALI)**

Bail Application No. 425 of 21.11.2022

Registration No.BA/3105-2022

CNR No. PBSA01-011077-2022

Date of decision: 2.12.2022

- 1) Bhal Chand aged about 42 years son of Ganga Ram, resident of Plot No.7 Village Bhukhri, Kharar, Distt. SAS Nagar Mohali, Punjab.
- 2) Jeetu aged about 42 years son of Ganga Ram, resident of Village Vidhnapaar, Belghat, Gorakhpur, UP, presently resident of Plot No.7 Village Bhukhri, Kharar, District SAS Nagar, Mohali, Punjab.
- 3) Avdesh alias Majnu son of Govind aged about 33 years, resident of Village Bhukhri, Kharar, District SAS Nagar Mohali, Punjab.

.....Applicants/Accused.

Vs.

State of Punjab

..... Respondent.

**Bail application under section 438
Cr.P.C.**

FIR No. 260 dated 7.11.2021

Under Sections 452,323,506,120-B,34 of IPC,
added lateron Section 307 of IPC.

P.S. Sadar Kharar.

Present: Sh. Dhan Bahadur, Advocate, for the applicants/accused
Sh. S.S Sahota, Public Prosecutor for the State.

ORDER

This order shall dispose of an application moved under
section 438 Cr.P.C. for grant of anticipatory bail in the above noted case,

on behalf of the above named applicants/accused.

2. A criminal case vide FIR No. 260 dated 7.11.2021, under Sections 452,323,506,120-B, 34 of IPC, P.S. Sadar Kharar was registered against applicants/accused Bhal Chand, Jeetu and Avdesh alias Manju and one unidentified person, at the instance of complainant Sanjay Kumar, on the allegations that complainant is building contractor. He is residing in his house alongwith his wife Savita Devi, three sons namely Aman, Sandeep and Anshu and Nitish Kumar son of his aunt, That on 4.11.2021, they were present in their house and were making preparations to worship Diwali and in the meantime, at about 8.35 P.M, accused Bhal Chand and his elder brother, whose name he does not know, Majnu and one more person, whose name he also does not know armed with *Dandas*, entered his house. Accused Bhal Chand raised “Lalkara” to teach them a lesson and thereafter brother of Bhal Chand gave two blows of “Danda” on the body of complainant, which hit on his head, due to which he fell on the ground. His cousin Nitish Kumar tried to pick him up and then accused Bhal Chand and Majnu started giving blows of Danda on the body of Nitish Kumar, which hit on the head and abdomen of Nitish Kumar, due to which he fell on the ground. The unidentified companion of Majnu gave two danda blows on the body of complainant, one of which hit near his left eyebrow and another blow hit on his right arm. Complainant and his family members raised “*raula*” and thereafter all the above said accused fled away from the spot alongwith their “Dandas”. Thereafter complainant picked up Nitish Kumar, who was

unconscious, and after making the arrangement of Tempoo, took him to Civil Hospital Kharar for treatment, where the doctor gave him first aid and referred him to Sector 32 Hospital, Chandigarh. From where, Nitish Kumar was referred to PGI Chandigarh, where he is being medically treated. Reason behind the occurrence is that all the above mentioned accused are residing on rent nearby the room of complainant and there was dispute with regard to the electricity bill of Rs.4000/- between them.

3. During investigation, applicants/accused Bhal Chand and Jeetu were arrested on 8.11.2021 and accused Avdesh was arrested on 13.11.2021, in this case and vide order dated 25.11.2021 and 3.12.2021 passed by the learned Predecessor of this Court, all the above named accused/applicants were granted regular bail for the offence under Sections 452,323,506,120-B, 34 of IPC, but now when the police obtained Medico Legal case summary of injured Nitesh, the concerned doctor of PGI Chandigarh has declared the injury on the person of Nitesh as “Dangerous to life”, and on the basis of the said report, offence under Section 307 of IPC has been added by the police in the list of offences in the present case. As such now apprehending their arrest in this case, above named applicants/accused have moved this bail application under Section 438 of Cr.P.C.

4. Upon notice, learned Public Prosecutor for State appeared and he opposed this bail application. Police record has also been produced and perused.

5. I have heard learned counsel for applicants/accused, learned

Public Prosecutor for State and have gone through the record pertaining to this case very carefully, with their able assistance.

6. Keeping in view the above facts and circumstances, this Court is of the considered view that though earlier all these accused were granted regular bail by the learned Predecessor of this Court for the offence under Sections 452,323,506,120-B, 34 of IPC, but now position is otherwise, as on the basis of the medico legal case summary issued by the doctors of PGI Chandigarh, in which the head injury on the person of injured Nitesh has been declared “dangerous to life” and offence under Section 307 of IPC has been added by the investigating agency. Perusal of the medico-legal case summary available on the police file reveals that injured Nitesh had sustained head injury i.e on vital part of the body and his parietal bone was fractured, for which he was operated upon and the said head injury has been declared as “dangerous to life”. All the applicants/accused are specifically named in the FIR of this case as well as in the statement of complainant. Very serious allegations have been levelled against the accused persons by complainant as detailed in para No.2 of this order. As per police report, offences under Sections 307 of IPC is attracted in this case. Keeping in view nature of injuries, gravity of offence and role attributed to the accused party, no exceptional circumstances are made out in favour of applicants/accused for concession of anticipatory bail for the offence under Section 307 of IPC, as per their prayer made in this bail application. Nothing can be said, with regard to their innocence as pleaded by them, at present, as the

investigation in the case in hand is also going on. Accordingly, this application seeking relief of anticipatory bail moved by applicants/accused Bhal Chand, Jeetu and Avdesh alias Manju deserves dismissal.

7. As a result of my above discussion, this bail application stands dismissed and disposed of. Any thing said in this order is only for the purpose of disposal of this bail application and will not affect the merits of the main trial in any manner. Police record be sent back. Record of this bail application be consigned.

Pronounced
2.12.2022

(Harpal Singh)
Sessions Judge,
SAS Nagar (Mohali),
UID No. PB0036

* Balwinder Singh
Stenographer Grade I

Present: Sh. Dhan Bahadur, Advocate, for the applicants/accused
Sh. S.S Sahota, Public Prosecutor for the State.

Police record has been produced. Arguments heard. Vide my separate detailed order of today, this bail application stands dismissed and disposed of.

Police record be sent back and record of this bail application be consigned.

Pronounced
2.12.2022

(Harpal Singh)
Sessions Judge,
SAS Nagar (Mohali),
UID No. PB0036