

**IN THE COURT OF PARMINDER SINGH RAI
ADDITIONAL SESSIONS JUDGE, GURDASPUR**

CIS No. BA/3088/2023
CNR No. PBGD01-007601-2023
Date of Order: 05/10/2023

Ajay s/o Jaswant Singh @ Buta Singh, resident of Village Dalam,
Tehsil Batala, District Gurdaspur.

.....Petitioner

Versus

State

.....Respondent.

FIR No. 70 dated 31.08.2023,
U/Ss 452,307,379-B, 427, 380, 323, 324, 148, 149 IPC
Police Station:- Qila Lal Singh

Bail application under Section 438 Cr.P.C.

Present: Sh. Jagroop Singh Khehra, Advocate, counsel for
petitioner.
Sh. Kiran Kumar, Ld. Addl. P.P for the State, assisted by
Sh. B.S. Bangowani, Advocate, counsel for complainant.

ORDER

Present petition has been filed by petitioner seeking pre-arrest bail under Section 438 of Cr.P.C. for the alleged commission of offences as mentioned above.

2. Upon notice, learned Additional P.P put in appearance on behalf of respondent-State and Sh. B.S. Bangowani, Advocate, appeared on behalf of complainant and contested the bail application.

3. It is submitted by learned counsel for petitioner that petitioner is innocent and he has been falsely implicated in the present case. Petitioner has not committed any offence. Petitioner is

ready to join the investigation and to cooperate in the same, so he may be admitted to pre-arrest bail.

4. On the other hand, it is submitted by learned Addl. P. P duly assisted by leaned counsel for complainant that the custodial interrogation of petitioner is required for further investigation in the present FIR, as such, present bail application may be dismissed.

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

6. As per the contents of the FIR, on 28.08.2023, at about 3.00 p.m, complainant Pargat Singh was present in the house of Karambir Singh. The gate of house was open. Then Gurdeep Masih, Neeraj, Ladi Masih, Joyti, Veenus alongwith 20-25 unknown persons armed with sharp edged weapons sticks and sotas came there and immediately Jyoti raised lalkara that Karambir Singh be taught a lesson for selling drugs to them and then Gurdeep Masih gave datar blow hitting on his head, Neeraj Masih also gave datar blow to Karambir Singh hitting on his head and then Gurdeep Masih and Neeraj Masih gave datar blow to Karambir Singh hitting on his left arms and the unknown persons gave datar blows to Karambir Singh hitting on his fingers. Then Laddi Masih gave datar blows to Shankar hitting on backside of his shoulder. The unknown persons gave datar blows to his brother Karambir Singh hitting on his left shoulder and

left flank, when his sister in law Gurwinder Kaur came forward to save she was also dragged and her clothes also torn. The golden chain wearing around her neck were also snatched. Assailants even damaged the household articles and broken the window panes as well.

7. Accused/applicant has been nominated in the matter of present case on the disclosure statement of one Sandeep Singh only who was apprehended in the present case who disclosed that on the day of occurrence accused/applicant Ajay was also with them who caused injuries to Karambir Singh. Apparently accused has not been named in the FIR. No direct attribution has been attributed upon him. Even the disclosure statement also vague in the sense not placing any attribution upon accused or even not disclosing about weapon used by them or whether he was carrying any weapon or not. In such circumstances, when there has not been any specific attribution against accused applicant and when the direct and specific attributions have been upon others, it would be in larger interest of justice and investigation and even in the fitness of things as well that accused applicant be directed to join the investigation. As such, applicant is hereby ordered to join the investigation before the investigating officer on or before 12.10.2023, subject to the following conditions that:-

1. That he will not hinder the ongoing investigation;
2. That he will not leave the country without prior

permission of the Court;

3. That he will not make any threat, promise or inducement to any person conversant with the facts of the case to dissuade him/her from disclosing the truth to the Court or police;
4. He shall join the investigation as and when asked by the investigating officer,
5. He shall cooperate with investigation in the matter of present case and further subject to the fulfillment of Section 438(2) Cr.P.C

For report and consideration to come upon 17.10.2023.

Pronounced
Dated:05/10/2023
Gurpreet Singh, Stenographer-II

(Parminder Singh Rai)
Addl. Sessions Judge,
Gurdaspur.

Present: Sh. Jagroop Singh Khehra, Advocate, counsel for petitioner.
Sh. Kiran Kumar, Ld. Addl. P.P for the State, assisted by
Sh. B.S. Bangowani, Advocate, counsel for complainant.

Police record produced. Arguments heard. Vide my separate detailed order of even date, petitioner has been granted interim bail as per the conditions referred therein. For report and consideration to come upon 17.10.2023.

Pronounced
Dated:05/10/2023
Gurpreet Singh, Stenographer-II

(Parminder Singh Rai)
Addl. Sessions Judge,
Gurdaspur.