

PBGD010076922018



Presented on : 16-11-2018
Registered on : 17-11-2018
Decided on : 11-12-2018
Duration : 0 years, 0 months, 25 days

IN THE COURT OF
Additional District & Sessions Judge
AT ,Gurdaspur
(Presided Over by Sh. Krishan Kumar Singla)

BA/3088/2018

Bail Appl. No.418 of 17.11.2018

1. Raj Kumar son of Subhash Chander
2. Shiro Devi wife of Raj Kumar,
Both residents of Village Bhaini Kane, P.S Purana Shalla, Tehsil
and District Gurdaspur.

.....Applicants/accused

versus

State of Punjab

.....Respondent

FIR No.66 dated 1.11.2018
under Sections 324,326 IPC
P.S Purana Shalla.

FIRST BAIL APPLICATION UNDER SECTION 438
CR.P.C

Present: Shri Ranjan Chohan, Advocate, counsel for applicants/
 accused
 Sh. B.K.Sharma Addl. P.P for the State

1. This order of mine shall dispose of anticipatory bail application moved by applicants/accused Raj Kumar and Shiro Devi for grant of anticipatory bail in case FIR NO. 66 dated 1.11.2018 under Sections 324,326 IPC registered at P.S Purana Shalla.
2. In brief the case of prosecution is that Sarwan Kumar got recorded his statement with regard to that he is running a shop of Refrigerator and T.V repair etc. On 24.10.2018, at about 9.30 A.M, Raj Kumar alias Raju of their village was found to be scattering of debris of Ruri installed by them in the Garra property which is out side of their village. When he came to know this, then he stopped Raj Kumar from doing so. On this, Raj Kumar attacked with a spade which was in his hand and the same hit on his forehead. He raised alarm. On this wife Mamta Kumari and father Buti Ram came there. Wife of Raj Kumar also abused him and gave push and fist blows to him. Thereafter both the accused fled away from the spot.
3. Upon notice, Shri Bhupinder Sharma, Ld. Addl.P.P has appeared on behalf of the State.

4. Record has been called.
5. Arguments heard.
6. Contention of Sh. Ranjan Chohan Adv, Ld. Counsel for applicants/accused is that both applicants/accused are husband and wife have been falsely implicated in the present case. It has been contended that injury on his person has been planted by complainant namely Sarwan Kumar. The story made by prosecution is highly improbable. It has been contended that no injury is attributed to applicant/accused No.2 Shiro Devi wife of accused Raj Kumar. Her presence at the place of occurrence is highly doubtful. It has been contended that it is not possible that accused will give only one injury to complainant. In these circumstances, allegations levelled by complainant are matter of trial. Custodial interrogation of applicants/accused is not required. He argued that applicants/accused are ready to join investigation and co operate with the Investigating Agency.
7. On the other hand, these submissions have been refuted by Sh. B.K. Sharma, learned Addl. PP for the State. It has been contended that injury attributed to accused/applicant Raj Kumar is serious injury. Injury is on the vital part of the body i.e forehead and the same has been declared to be grievous injury attracting the provision of under Section 326 IPC. It has been argued that Shiro Devi wife of accused Raj Kumar also accompanied him at the time of occurrence. In these circumstances, custodial interrogation of

applicants/accused is necessary. Prayer is made for dismissal of anticipatory bail application.

8. Submissions have been considered and record has been perused minutely.

9. Only one injury is shown to be given by accused Raj Kumar. Of course, allegations against applicant/accused Raj Kumar are serious. Recovery of spade used by him for causing injury to complainant Sarwan Kumar is yet to be effected. In these circumstances, this court considers that for effective and complete investigation of the case, custodial interrogation of applicant/accused Raj Kumar is necessary. No case for grant of anticipatory bail to Raj Kumar accused is made out. Hence, application for grant of anticipatory bail of applicant/accused Raj Kumar stands declined.

10. So far As accused Shiro Devi is concerned, she is a lady. No injury is attributed to applicant/accused Shiro Devi. Allegations against her are only with regard to that she gave push and fist blows. After considering the allegations against applicant/accused No.2 namely Shiro Devi and the offence involved, this court considers that without custodial interrogation of applicant/accused Shiro Devi, after joining her in the investigation, investigation can be carried out successfully and completely. No useful purpose will be served by sending applicant/accused No.2 in custody. Hence, anticipatory bail application moved on behalf of applicant Shiro

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Devi stands allowed applicant/accused Shero Devi will join investigation and cooperate with the IO. In the event of arrest of applicant/accused No.2, she is ordered to be released on interim bail on her furnishing bail bonds and surety bonds to the satisfaction of IO/Arresting Officer, subject to conditions laid down Under Section 438(2) Cr.P.C.

Dated:-11.12.2018

(K.K.Singla)
Additional Sessions Judge,
Gurdaspur.

UID No. PB 0197

Prem Kumar
Stenographer-II

Present: Shri Ranjan Chohan, Advocate, counsel for applicants/
 accused
 Sh. B.K.Sharma Addl. P.P for the State

Arguments heard. Vide my separate detailed order announced today, the present bail application stands disposed of.

Record of the case be returned and file of bail application be consigned to the Record Room.

Pronounced
Dated:-11.12.2018

(K.K.Singla)
Additional Sessions Judge,
Gurdaspur.
UID No. PB 0197

Prem Kumar
Stenographer-II