

**IN THE COURT OF SH.PREM KUMAR,ADDL. SESSIONS
JUDGE, GURDASPUR(UID No.PB0451)**

**Bail Application No. 81/2019
Date of Instn. :01/02/2019
CIS No.BA/308/2019
CNR No. PBGD01-003027-2019
Date of order : 16/02/2019**

Bakhshish Singh son of Sawarn Singh, resident of vill. Hardan, Tehsil
Batala, District Gurdaspur, P.S. Rangar Nangal.

..Applicant-accused

Versus

Joginder Singh @ Shinder son of Kishan Singh, resident of vill.
Manan, P.S.Rangar Nangal, Tehsil Batala, District Gurdaspur.

..Respondent.

Complaint Under Sections 302, 34 IPC

Ist Bail application U/s 439 Cr.P.C.

Present: Sh.D.S.Aulakh, Advocate for applicant.
Sh.K.S.Gill, Addl.P.P for State.
Sh.Baljit Singh Boparai, Advocate for complainant.

ORDER:

1. This order of mine shall dispose of bail
application under Section 439 Cr.P.C. by applicant-accused
Bakhshish Singh in the above mentioned complaint case.

2. Upon notice complainant appeared through
counsel and opposed the bail application.

3. Complainant Joginder Singh alias Shinda filed
complaint under sections 302, 34 IPC against applicant/accused
Bakshish Singh and others alleging that on 17/03/2016 Bakhshish
Singh armed with Phahura(sharp edged weapon), accused Gurdev
Singh armed with Datar and accused Kulwant Singh armed with dang
caused injuries to his son Baljit Singh alias Balla. Accused Bakshish

Singh gave blow of Phahura on the head of Baljit Singh which hit on right side of his head, Gurdev Singh gave Datar blow on left ear of son of complainant on which he fell down and accused Kulwant Singh gave blows of his dang which hit on back, legs and arms of son of complainant. Complainant alleged that his son was got admitted in Civil Hospital Batala from where he was referred to Guru Nanak Dev Hospital Amritsar but he succumbed to his injuries.

4. After preliminary evidence, the accused were summoned vide order dated 01/09/2018 by learned trial court under sections 302 read with 34 IPC. Accused were arrested and the case was committed to the court of Sessions.

5. Learned counsel for applicant/accused has argued that the applicant/accused is innocent and has been falsely implicated in this case. He contended that the co-accused Kulwant Singh and Gurdev Singh have been granted bail by Hon'ble High Court. He further contended that co-accused Kulwant Singh and Gurdev Singh were earlier found innocent. He contended that applicant alongwith other co-accused was summoned in complaint case and he is not required for any investigation and he is in judicial lock up since 16/10/2018 and and prayed that he be granted anticipatory bail.

6. On the other hand, learned counsel for complainant opposed the bail application on the ground of gravity of offence.

7. Heard.

Record perused. As per the allegations, the applicant/accused Bakshish Singh alongwith his co-accused armed

with deadly weapons like Phauhra(sharp edged weapon), Datar and dang caused injuries to Baljeet Singh son of complainant due to which he died. As per allegations Bakshish Singh was armed with Phauhra at the time of occurrence and he gave blow of Phauhura on the head of Baljit Singh. Learned counsel for applicant has contended that co-accused have been granted bail by Hon'ble High Court vide order dated 22/01/2019. However, perusal of record reveals that earlier the bail application under section 439 Cr.PC filed by co-accused Kulwant Singh and Gurdev Singh was dismissed by the court of Sh.Jatinder Pal Singh Khurmi, Ld.Addl.Sessions Judge, Gurdaspur vide order dated 27/09/2018 and thereafter they approached Hon'ble High Court. The allegations against the applicant/accused Bakshish Singh are serious in nature. So, taking into consideration the facts and circumstances of this case and the gravity of offence, at this stage no ground is made out to release the applicant/accused on bail. Hence, the present bail application filed by applicant/accused Bakshish Singh is dismissed. Anything said or observed in this order shall have no bearing effect on merits of the case. Papers be attached with the main file.

Pronounced in open Court:
Dt: 16/02/2019
Rajiv Sharma,
Stenographer-I

(Prem Kumar)
Addl.Sessions Judge,
Gurdaspur.(UID No.PB0451)

BA 308 2019

Bakhshish Singh Vs Joginder Singh

Present: Sh.D.S.Aulakh, Advocate for applicant.
Sh.K.S.Gill, Addl.P.P for State.
Sh.Baljit Singh Boparai, Advocate for complainant.

Arguments on bail application heard. Vide my separate detailed order of even date present bail application has been dismissed. Papers be attached with the main file.

Pronounced in open Court:

Dt: 16/02/2019

Rajiv Sharma,
Stenographer-I

(Prem Kumar)

Addl.Sessions Judge,
Gurdaspur.(UID No.PB0451)