

In the court of S.K.Garg, Sessions Judge, Jalandhar (UID No.PB00020)

BA No.3088 of 2019.
Instituted on: 23.7.2019.
CNR No.PBJL010161062019.
Decided on: 21.8.2019.

Johnson @ Babu, aged 22 years, son of Des Raj, R/o Isai Mohalla,
Vill.Sarai Khas, Police Station Kartarpur, Tehsil & Distt.Jalandhar.

Accused/applicant.

Versus.

State of Punjab

First bail application under section 439 Cr.P.C.

FIR No.205 dated 14.10.2018,
U/ss 323,324,325,326,506,148,149 IPC.
P.S.Karrtarpur, Distt.Jalandhar.

Present : Sh.Rajeev Garg, Adv.counsel for the accused/applicant.
Sh.Satpal,Public Prosecutor for the State

ORDER:

1. By this order, I shall dispose of above captioned application filed by accused/applicant Johnson @ Babu, for regular bail in case FIR No.205 dated 14.10.2018, registered under sections 323, 324, 325, 326, 506/148/149 of IPC at Police Station Kartarpur, Distt.Jalandhar.
2. Police record has been received and perused. Arguments heard.
3. The present case has been registered at the instance of Gurpal Singh s/o Surjit Singh, on the allegations that on 5.10.2018 at about 6:30 p.m, he alongwith his friends Sahilpreet Singh and Jagwinderpal Singh @ Jally was having food from a 'rehri' near the wielding shop of Kiti s/o Ajit

Singh. In the meantime, the accused/applicant alongwith others, armed with 'datars' and 'sotas' etc. came there on motor cycles. His co-accused Tarsem Singh @ Samsun raised 'lalkara' that Gurpal and Sahilpreet be not spared today. Then the accused/applicant and other assailants caused injuries to them with their respective weapons. The accused/applicant Johnson is alleged to have caused injury on the left side of the head of Sahilpreet Singh with a 'datar' and the said injury has been declared as grievous in nature. He also gave another injury to Gurpal Singh on his lower back with the 'datar' and the said injury has been declared as simple in nature, whereas co-accused Samsun(Tarsem Singh) has given as many as five injuries with his 'datar' on the different parts of the body of Gurpal Singh.

4. It has been submitted by the learned counsels for the accused/applicant that there is a delay of more than seven days in lodging the FIR. Accused/applicant has been falsely implicated in this case and he is in custody for the last more than two months and is no more required for the purpose of investigation. So, it is prayed that he be released on bail.

5. On the other hand learned PP has vehemently opposed this application.

6. I have considered the contention of the learned counsel for the accused/applicant and do not find any merit in it. The delay in lodging the FIR itself do not make the accused/applicant entitle for grant of bail as a matter of right. Specific injuries with specific weapons have been attributed to the accused/applicant. All the assailants including

accused/applicant collectively have given as many as 14 injuries to Gurpal Singh and two injuries to Sahilpreet Singh and many of these injuries have also been declared as grievous in nature. Accused/applicant has been specifically named in the FIR and the injury attributed to him, which is on the vital part of the body i.e. left side of the head of Sahilpreet Singh with a 'datar', has been declared as grievous in nature. Thus, keeping in view the seriousness of the offence, he is not found entitled to the concession of bail. Moreover, the tampering with the evidence by the accused/applicant if released on bail cannot be ruled out. Therefore, this bail application stands dismissed. Police record be returned forthwith and file of this bail application be consigned to Record Room.

Pronounced in open court.
Dt.21.8.2019.

**Makhan Singh*

(S.K.Garg),
Sessions Judge,
Jalandhar.
(UID No.PB00020).

Johnson @ Babu Vs.State of Punjab (CNR No.PBJL010161062019)

Present : Sh.Rajeev Garg, Adv.counsel for accused/applicant.
Sh.Satpal, PP for the state.

Police record produced. Arguments have been heard. Application is dismissed vide my separate order of even date. Police record be returned and file of this bail application be consigned to Record Room.

Pronounced in open court.
Dt.21.8.2019.

**Makhan Singh*

(S.K.Garg),
Sessions Judge,
Jalandhar.
(UID No.PB00020).