

**IN THE COURT OF KAWALJIT SINGH,
ADDITIONAL SESSIONS JUDGE, TARN TARAN.
(UID Number PB0155)**

Case Type	BA
Filing Number	5395/2021 Filing Date:01.11.2021
Registration Number	3093/2021 Date of Registration: 02.11.2021
CNR Number	PBTT0100-6938-2021
Date of Decision	18.11.2021

Sukhwinder Singh alias Gehna, aged 18 years, son of Swaran Singh, resident of village Kot Budha, Tehsil and Patti, District Tarn Taran.

---Applicant/accused

Versus
State of Punjab

---Respondent

FIR No.137 dated 23.09.2021
Under Sections 326, 325, 323, 324, 148, 149 IPC
Police Station Sadar Patti, District Tarn Taran.

FIRST BAIL APPLICATION UNDER SECTION 439 Cr.P.C.

Present: Shri Maninder Singh, counsel for the applicant
Shri Satinderjit Singh, Additional P.P. for State

ORDER

Applicant/accused has filed the instant bail application under Section 439 Cr.P.C., seeking regular bail in the above noted case.

2. The present case FIR has been registered on the basis of statement made by injured complainant Baljit Singh, who stated that he is an agriculturist and is also running the business of selling milk. They are five brothers and three sisters and are married and reside separately. On 21.09.2021 at about 8:30 P.M. after taking dinner and closing the main gate of his house. He was sitting with his family. Suddenly, someone knocked the main door. When he inquired, reply was received that he is Sukhwinder Singh and has come to take milk. Complainant replied that he has no milk left and that he should take milk from another shop, Sukhwinder Singh then went away. After a while Sukhwinder Singh again knocked the door and asked complainant to come out of the house. When, complainant after opening the gate went outside, he found Nishan Singh armed with Barshi,

Dilbagh Singh armed with Dang, Amar Singh armed with Stick, Sandeep Singh alias Lalla armed with Dang, Sukhwinder Singh armed with Datar, Dharminder Singh armed with Dang were standing outside. Then Amar Singh raised a lalkara and exhorted his co-accused to teach complainant a lesson for refusing to give milk. Nishan Singh directly gave blow with intention to kill complainant, the blow hit on the bone below his left eye. Then Sukhwinder Singh gave a Datar blow which hit on the middle of his forehead. Then Amar Singh gave a stick blow on the shin of his right leg, Dilbagh Singh gave a dang blow which hit on the bone of his left shoulder, then Sandeep Singh gave a Dang blow which hit on his left knee. He fell down on the ground and when he was lying on the ground, Dharminder Singh gave a dang blow which hit on his right arm. Accused were accompanied by two unidentified persons, who also were armed with dang and they also gave several blows with the dang on the person of complainant. Complainant raised hue and cry which attracted his nephew Gurwinder Singh and other people also started gathering there and then the accused, along with their respective weapons, fled away from the spot. Motive behind incident is that complainant had refused to give milk to Sukhwinder Singh and due to this grudge he has committed this crime with his accomplices.

3. It is argued by the learned counsel for the applicants are innocent and have been falsely implicated in this case. It is submitted there is delay of about 2 days in lodging of the FIR and same has not been explained. It is submitted that applicant is in judicial custody since 02.10.2021 and presentation of challan and conclusion of trial is going to take considerable period of time and no useful purpose would be served by

keeping the applicant behind the bars for indefinite period of time and prayed for grant of regular bail to the applicant.

4. On the other hand, learned Additional Public Prosecutor for the State opposed the bail application and prayed for its dismissal. It is submitted that all the accused have actively participated in this occurrence and injured was inflicted as many as 7 injuries out of which doctor have found four injuries on the person of injured complainant as grievous as doctor has opined as under:

1. Comminuted fractures of the left frontal bone, left Zygomatic bone, posterolateral wall and floor of left orbit, anterior and posterolateral wall of the left maxillary sinus and left lateral pterygoid plate. Hemosinus is noted in the left maxillary sinus. Swelling of soft tissues and reticulation of the subcutaneous fat is seen in the left premalar and buccomastic region.
2. Focal extra-axial hemorrhage is noted overlying the left superior frontal gyrus with vasogenic edema in the latter.

It is submitted that as per doctor the injury no.1, 2, 3 and 4 are grievous in nature. Applicant is attributed to have caused injury no.1 with Datar. It is submitted for such a minor refusal to give milk at that odd hour has led to this incident and such accused persons in case are released on bail then they will certainly threaten the helpless complainant but it will also give wrong signal to the society.

5. I have heard the contentions of both the parties. 6. Perusal of the record and the investigation conducted so far, it comes out that there are well founded specific allegations against the applicants to have actively participated in this incident which has been executed by all the accused in furtherance of the common object of the unlawful assembly which was well prepared and came together at the spot fully armed with deadly weapons and

caught the complainant unaware. Applicant, being member of the unlawful assembly, not only actively participated in this incident but also is said to have caused grievous injury on the vital part of the body of helpless complainant injured with Datar. Out of these injuries, four have been declared to be serious in nature by the doctor. In case the applicant is released on bail the applicant may also threaten or intimidate the complainant and other material witnesses of the prosecution which also be not conducive for fair trial. The gravity of the offence committed by accused in this case FIR in my considered opinion is a circumstance sufficient to deny regular bail to the applicant. In view of what has been stated above, the present application, being bereft of any substance is hereby dismissed. Nothing stated herein, shall be construed to be expression of opinion, on the merits of the controversy. Bail application file be consigned to the record room.

Announced: 18.11.2021

**Kawaljit Singh,
Additional Sessions Judge,
Tarn Taran.
UID Number PB0155**

Self typed