

IN THE COURT OF MONIKA GOYAL;
ADDL.SESIONS JUDGE; SAS NAGAR MOHALI

Bail application CNR No.PBSA01000082-2018
Date of Decision: 11.1.2018

Harminder singh aged about 27 years son of Sh. Sulakhan Singh
resident of village Hoshiarpur, Tehsil Kharar, Distt. Mohali.

...Applicant-accused.

Versus

State of Punjab

...Respondent

....

First Bail application under Section 439 Cr.P.C in case
FIR No. 236 dated 14.11.2017 Under Sections 307, 452,
506, 120-B of IPC Police Station Phase 1 Mohali.

....

Present:- Sh. Ranjit Singh Adv. counsel for applicant-accused.
Sh. Satnam Singh Addl.P.P for the State
Sh. H.S. Pannu Adv. Counsel for the complainant

ORDER

This order of mine shall dispose of bail application
moved on behalf of applicant-accused Harminder Singh seeking regular
bail under Sections 307, 452, 506, 120-B of IPC P.S Phase 1 Mohali,
by invoking the provisions of Section 439 Cr.P.C.

2. When notice of the bail application was issued,
learned Addl. P.P for the State appeared. Sh. H.S. Pannu Advocate also
appeared on behalf of complainant. Record has also been produced by
the Investigating Officer.

3. I have heard the learned counsel for the applicant-
accused, learned P.P for the State along with Counsel for the

complainant and have also gone through the record.

4. FIR in this case was got registered on the basis of the statement of complainant Bhavneet Singh to the effect that he is doing the work as Private Tatoo Artist, SCF No.12 First Floor Phase 5 Mohali and on 13.11.2017 at about 7.15 p.m, he along with his wife Jaspreet Kaur was present in his shop SCF No.12 Phase 5 Mohali and in the mean time, five persons having naked swords in their hands and muffled faces entered in his shop and attacked upon him and due to which, his left eye was injured with sword and in order to save himself from the blows of swords, he forwarded his hands and due to which, injuries were also received on his hands and he ran in order to save himself. When the aforesaid persons were attacking upon him, then one person out of them, was saying that Sunny *beta*, they have not done good with them and they should not be spared and a lesson is to be taught to them and the person by the name of Sunny was also saying loudly that they have not done good with his father and he would not leave them. Out of those persons, two persons in order to kill him, firstly lifted him and then thrown him on the ground and due to which, his right leg got fractured. Due to the raising of *raula* by his wife Jaspreet Kaur, many persons gathered there and the aforesaid persons fled away from the spot in their white coloured Swift Car, but they could not note down the number of the said Car, but perhaps the people gathered at the spot might have noted down the number of the said Car. The aforesaid

persons have attacked upon him in order to kill him, because Palwinder Singh had got registered a false case against him and his father under Section 304, 323, 34 IPC at P.S Balongi and during the investigation of said case, offence under Section 304 IPC has been deleted.

5. Learned Counsel for the bail applicant has argued that the accused/applicant has been falsely implicated in this case and he has nothing to do with the alleged offence. He further submitted that no specific injury has been attributed to the applicant/accused and the alleged injury as stated in the FIR, does not fulfill the ingredients of Section 452 and 307 of IPC. The accused/applicant is in custody since 25.11.2017. He has further argued that the police has tortured the applicant during police remand and third degree was given to the accused/applicant and accordingly the applicant had moved the application for constituting medical board for conducting his medical examination. The trial Court has called the report from the Jail Superintendent and the report of doctors clearly revealed that the applicant has been tortured by the police. Nothing is to be recovered from the accused/applicant. The presentation of challan and then trial is likely to take time and as such no useful purpose would be served by keeping the accused/applicant further more in custody and as such a prayer has been made for the grant of regular bail of the accused/applicant.

6. Learned Addl. P.P along with complainant's counsel has

argued that the accused/applicant along with his co-accused have committed a serious offence by trespassing the shop of the complainant armed with deadly weapons and the bail applicant along with his co-accused have mercilessly beaten the complainant. The investigation is going on and if at this stage, he is enlarged on bail, he will interfere in the investigation and will influence the witnesses. They further argued that the complainant had received grievous injury on his leg and there is CCTV footage and present applicant is involved in other FIRs as such the bail applicant is not entitled to the regular bail and his bail application may be dismissed.

7. Taking into account the facts and circumstances of this case, as per the contents of the FIR, this Court is of the considered view that the accused/applicant is in custody since 27.11.2017. The presentation of challan and then conclusion of trial will take long time and as such the accused/applicant can't be kept behind the bars for indefinite period. At this stage, this Court can't go into the other FIRs pending against the accused/applicant. In these circumstances, the present bail application is allowed and the accused/applicant is ordered to be released on bail on his furnishing personal bonds in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the Illaqa/Duty Magistrate, subject to the following conditions :-

- i) that he shall not leave the country without prior permission of the court;

ii) that he shall 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 and will not interfere in the investigation of the present case.

Police record be returned and file of this bail application be consigned to the record room.

Pronounced in open court

Dated: 11.1.2018

* Balwinder Singh

(Monika Goyal)
Addl. Sessions Judge,
SAS Nagar Mohali
Unique I.D No.PB. 0439

Present:- Sh. Ranjit Singh Adv. counsel for applicant-accused.

Upon notice, learned addl. PP appeared. Shri H.S. Pannu Advocate also filed wakalatnama on behalf of complainant. Police record has been produced by the IO.

Arguments heard. Vide my separate detailed order of even date, the present bail application has been allowed as per the details enumerated therein. Police record be returned. File of the present bail application be consigned to the record room.

Pronounced in open court

Dated: 11.1.2018

* Balwinder Singh

(Monika Goyal)
Addl. Sessions Judge,
SAS Nagar Mohali
Unique I.D No.PB. 0439