

**In the Court of Sh. Lalit Kumar Singla,
Addl. Sessions Judge, Jalandhar.
(UID No. PB0104).**

CIS Number	BA/2788/2022
CNR number	PBJL010079732022
Date of Institution	12.07.2022
Date of Order	14.07.2022

Kashmir Singh aged about 42 years son of Harjinder Singh, resident of VPO Bahmania, District Jalandhar.

..... Applicant/accused

Versus

State of Punjab.

...Respondent.

**FIR No.52 dated 03.04.2019
Under Section 307/323/324/325/506/148/149/201 IPC
Police Station Shahkot, Jalandhar.**

First bail application under Section 438 Cr.P.C.

Present: Sh. Benant Noor Singh Marok, Advocate counsel for applicant-accused.
Sh. APS Dhillon, Addl. PP for the State.

ORDER:

1. This order of mine shall dispose of an application seeking bail under Section 438 Cr.P.C. moved by applicant-accused Kashmir Singh in the above noted case.
2. Notice of the bail application was given to State of Punjab, upon which learned Additional Public Prosecutor for State has opposed bail application. Court file perused.
3. Concisely stated, on 02.04.2019, time was around 8:00

P.M, complainant Bachan Lal of cross case along with Sukhdev Singh and Malkiat Singh were sitting before the house of Sukhwinder Singh @ Sukha on chairs. In the mean time, Gurmeet Singh, Inderjit, Avtar Singh, Bakhtawar Singh, Kashmir Singh, Harjinder Singh, Sukhvir Singh, Davinder Singh, Kamaldeep Singh, Gurdeep Singh, Bhupinder Singh, Jaswinder Singh, Ajaydeep Singh, Sandeep Gill, Chamkaur Singh, Lovepreet Singh, Jaswinder Singh, Sadha Singh, Lakhwinder Singh, Ranjit Singh, Gurpreet Singh, Jashanpreet Singh, Rajandeep Singh, Baljit Singh, Jagroop Singh, Major Singh, Nirvail Singh, Manjit Singh, Sukhdev Raj, Lovepreet Singh @ Kala, Jagtar Singh, Gurmail Singh, Lovepreet Singh son of Harjinder Singh armed with sharp edged weapons and dandas attracted there.

4. Accused Inderjit Singh, Avtar Singh, Bakhtawar Singh, Kashmir Singh, Gurmeet Singh, Kamaldeep Singh, Sukhvir Singh, Davinder Singh, Bhupinder Singh and Gurdeep Singh called upon Bachan Lal, Sukhdev Singh and Malkiat Singh why they were sitting there and after hurling abuses, all the aforesaid assailants made assault upon Bachan Lal, Sukhdev Singh and Malkiat Singh. Accused Avtar Singh @ Bittu gave a kirpan blow, which hit on the fingers of Bachan Lal adjoining little finger of left hand; Sukhbir Singh gave a danda blow in the chest of Bachan Lal; Davinder Singh gave a danda blow on the left shoulder of Bachan Lal. The companions of Bachan Lal complainant were also given injuries. Simratpal Singh son of Sukhdev Singh, who was coming there after fetching milk from dairy and

Mandeep Singh, who tried to rescue them, were also given injuries

5. Learned counsel for applicant-accused has vehemently contented that applicant-accused has been falsely implicated in the instant case. He has already been granted bail under Section 325/324/323/506/148/149/201 IPC and is already facing the trial, but now the case is pending for arguments on charge and it is apprehended that charge under Section 326 IPC shall be framed against the accused as injury No.1 reflected in the MLR, has been declared grievous in nature vide report dated 12.04.2019. Since investigation is already complete, so applicant-accused may be extended benefit of pre-arrest bail under Section 326 IPC also.

6. On the contrary, learned Additional P.P for the State has not controverted the fact that prima-facie offence under Section 326 IPC is made out against the accused, but prayed for dismissal of bail application.

7. Having considered the arguments of both the sides, in light of the record available on file, I have found that a trial under Section 325/324/323/506/148/149/201 IPC is pending against applicant-accused and his accomplices before this court and accused are already facing the trial after having bail in the aforesaid offences.

8. Injury No.1 upon the person of complainant Bachan Lal, which is an incised wound, as reflected in MLR, has been declared as grievous in nature vide medical report dated 12.04.2019. So, a prima-facie case under Section 326 IPC seems to have been made out against

the accused.

9. Accused are apprehending their arrest in case of charge under Section 326 IPC is framed.

10. Investigation stood already completed. Accused are already facing the trial. No custodial interrogation is warranted. So, I am of the considered opinion that in case charge under Section 326 IPC is framed against the accused and accused is arrested, in that eventuality, this court shall admit the accused on bail under Section 326 IPC on his furnishing bail bonds in the sum of ₹50,000/- with one surety in the like amount. However, in case an offence under Section 326 IPC is not made out, then the impugned order shall have no bearing upon the merits of the case.

4. The bail application stand allowed. File of bail application be consigned to the record room.

Pronounced
Dated:14.07.2022
Vivek*

(Lalit Kumar Singla)
Additional Sessions Judge, Jalandhar
UID No. PB0153.