

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

Case Type	BA
Filing Number	4882/2021 Filing Date : 24.09.2021
Case Number	2785/2021 Registration Date: 27.09.2021
Case Code	PBTT0100-6297-2021
Date of Order	29.09.2021

Jarmanpreet Singh aged 23 years son of Jarnail Singh resident of village Hansawala, Pindian, Khadur Sahib, District Tarn Taran.

---Applicant/accused

Versus

State of Punjab

---Respondent

FIR No.48 dated 08.04.2021
Under Sections 336, 34, 307 IPC and Section 25, 27 Arms Act
Police Station, Goindwal Sahib.

BAIL APPLICATION UNDER SECTION 438 of Cr.P.C.

Present: Shri Mani Chopra, Advocate for applicant/accused
Shri Satinderjit Singh, Additional P. P. for the State

ORDER

Applicant has filed the instant bail application under Section 438 Cr.P.C., seeking anticipatory bail in the above noted case.

2. The brief facts of the case are that the present case FIR has been registered on the basis of statement made by complainant Gurpreet Singh who stated that he is an agriculturist. His wife Lakhwinder Kaur is the incumbent Sarpanch of the village. He has three children i.e. eldest is daughter Jaismeen aged about 9 years, sons Ekamnoor Singh and Gurnoor Singh. His wife being Sarpanch, so in petty matters pertaining to his village he used to go. On the intervening night of 07/08.04.2021 he along with his family was sleeping in his house. At about 1.10 A.M. three unidentified persons fired gunshots on his house. Two gunshot fires hit the glass of window of his residential room and one fire hit the door and two fires hit the wall of his house. He along with his family remained inside the house but

hearing the gunshots his uncle Balwinder Singh and Prabhjit Singh searched nearby the house but could not get any information about those unidentified persons. Accordingly information to the police was made and present case FIR was registered against unidentified persons.

3. It is argued that by the learned counsel for the applicant that earlier application was granted the concession of anticipatory bail which was made absolute vide order dated 19.07.2021. It is submitted that now without the permission of the competent court of law, the police suddenly has added the offence punishable under Section 307 IPC. It is submitted that the FIR was lodged against unknown persons and even till date there is no direct evidence if the applicant was behind this alleged occurrence. Identification of applicant also does not stand established as nobody, till date, has come forward to depose if he/she has seen the applicant on the alleged day of occurrence committing this alleged offence in the FIR including the complainant of this FIR. It is submitted that co-accused Simranjit Singh has been granted the concession of anticipatory bail and the case of the applicant also stands on same footing. It is submitted that since the applicant already has joined the investigation, as per the order of this court and to the satisfaction of the Investigating Officer, so nothing is to be recovered from the applicant. The applicant is ready to join the investigation under Section 307 IPC as well and prayed for grant of anticipatory bail to the applicant.

4. Per contra, learned Additional Public Prosecutor for the State, assisted by counsel for the complainant, has opposed the bail application and prayed for dismissal of the same. However, it is conceded that earlier applicant had joined the investigation as per directions of this court and his anticipatory bail order was made absolute.

5. I have considered the rival submissions of the learned counsels of the parties and have perused the record. The present case FIR was got registered by the complainant against unknown persons. Till date, no plausible evidence has come on record to establish the identity of the applicant behind the alleged incident. Nobody has come forward to depose if he/she has seen the applicant at the spot committing the alleged offence reported by the complainant. This is the reason that the FIR was got registered by complainant against unidentified persons. Identity of the applicant, behind this incident is debatable, which obviously is to be established by the prosecution beyond shadow of any reasonable doubt during the trial. Earlier the applicant was granted the concession of anticipatory bail and he had joined the investigation to the satisfaction of the Investigating Officer and now the offence punishable under Section 307 IPC has been added without seeking permission of the Court. There is nothing to suggest that the custodial interrogation of the applicant, under the circumstances, is warranted at all. As such, without commenting anything upon the merits of the case, lest it may prejudice the case of either side during the course of trial of the main case, the applicant is directed to join the investigation on or before 04.10.2021 and cooperate with the same and in the event of his arrest, he be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer on the following conditions:

- 1) That applicant shall appear before learned Investigating Officer as and when called upon him.
- 2) That the applicant shall not leave India without the prior permission of the court.
- 3) That the applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade from disclosing such facts to the court, during trial.

Adjourned to 04.10.2021 for awaiting report from concerned police station as to whether applicant has joined the investigation or not? However, it is reiterated that observations made herein above shall not be construed as an expression on the merits of the main case.

Announced: 29.09.2021

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