

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

Case Type	BA
Filing Number	4911/2021 Filing Date: 28.09.2021
Registration Number	2815/2021 Date of Registration: 29.09.2021
CNR Number	PBTT0100-6340-2021
Date of Decision	04.10.2021

Manjinder Singh, aged about 36 years, son of Buta Singh, resident of village Bhojjan, PO Chabal, Palasaur, District Tarn Taran.

---Applicant/accused

Versus
State of Punjab

---Respondent

FIR No.20 dated 07.03.2021
Under Sections 326, 324, 506, 148, 149 IPC
Police Station Jhabal, Tarn Taran.

BAIL APPLICATION UNDER SECTION 438 Cr.P.C.

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

ORDER

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

2. The present case FIR has been registered on the basis of statement made by complainant Dhanwant Singh, who stated that he is of 62 years of age and is an agriculturist and owns 1½ Killa of agriculture land. On 09.02.2021, at about 9:00 A.M., he was working in his agricultural fields when Manpreet Singh armed with Dater, Kabal Singh armed with an Iron Rod, Manjinder Singh armed with Dang, Paramjit Singh armed with Kirpan, Gurjant Singh armed with Sota, Sukhdev Singh armed with simple Sota and Buta Singh son of Dilbagh Singh empty handed, came running towards him. Paramjit Singh raised lalkara to catch hold of him and he be taught a lesson for casting votes against them. Then Manpreet Singh gave a Datar blow which hit him on his left elbow. Then Kabal Singh gave a blow with an Iron Rod and when to ward off the attack he raised his left arm then it hit on the

little finger of his left hand. He fell down on the ground. Remaining accused kept on inflicting injuries to his person by way of Dangs and Sticks. He raised hue and cry at high pitch. At that time, Gurpreet Singh and Varinder Singh, who were coming on motorcycle from Jhabal side to village Bhojjan, came to his rescue after parking their motorcycle on the road. Then all accused persons ran away from the spot along with their respective weapons. Talks for compromise were going on but same could not be materialized.

3. It is argued by the learned counsel for the applicant is innocent and has been falsely implicated in this case along with his sons. It is submitted that applicant is not attributed to have caused any injury to anyone though falsely it is alleged that the applicant was armed with Sota. In fact father of the applicant co-accused namely Buta Singh had lodged one FIR No.10, dated 19.02.2021, Police Station Jhabal, under Sections 323, 341, 506, 148 IPC against the complainant party. This incident was also made viral by the accused of that FIR but still the police had not been initiating any action against the accused persons of the above said FIR. Then Buta Singh approached the Hon'ble High Court for issuance of directions to take police action in the above said FIR in respect of the incident that took place on 10.09.2019 and that is the reason that the present complainant has come up with the false version to put pressure on the Buta Singh not to pursue that above said FIR No.10. It is submitted that applicant is ready to join the investigation. His custodial interrogation is not warranted and prayed for grant of anticipatory bail to the applicant.

3. On the other hand, learned Additional Public Prosecutor for the State opposed the bail application and prayed its dismissal. It is submitted that there are specific allegations against applicant and their co accused that they were members of an unlawful assembly which was armed with deadly

weapons as well. It is submitted that the complainant injured Dhanwant Singh of this case has got no concern whatsoever with incident, regarding which the applicant had lodged FIR No.10 dated 19.02.2021 in Police Station Jhabal, under Sections 323, 341, 506, 148 IPC. It is submitted that the kind of grievous injury received by the applicant, clearly show that it cannot be self suffered. It is submitted that any member of the unlawful is equally liable whether grievous injury is attributed to him/her or not and custodial interrogation of the applicant is required for the effective and fair investigation and prayed for dismissal of the bail application.

4. I have heard the contentions of both the parties. Perusal of the record and the investigation conducted so far, it comes out that there are well founded specific allegations against the applicant and his other co-accused persons 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 armed with deadly weapons and came to the spot well prepared and caught the complainant unaware. In this incident complainant Dhanwant Singh was inflicted grievous injuries and Board of Doctors have declared the injury no.1 as grievous as fracture of left Ulna was detected. Complainant has got nothing to do with the previous lodging of the FIR by co-accused Buta Singh as he is not an accused in that FIR as being alleged. Applicant, being member of the unlawful assembly, also is equally liable with the accused members of the unlawful assembly. Exact role played by the applicant and other persons is yet to be ascertained and in case the applicant is granted the concession of anticipatory bail it will hamper the effective investigation and will leave many loose ends in the investigation. The gravity of the offence committed by accused in this case FIR in my considered opinion is a circumstance sufficient to deny

anticipatory 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: 04.10.2021

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

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