

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

Case Type	BA
Filing Number	4857/2021 Filing Date: 24.09.2021
Registration Number	2784/2021 Date of Registration: 27.09.2021
CNR Number	PBTT0100-6272-2021
Date of Decision	29.09.2021

1. Beer Singh aged 61 years son of Gurmej Singh resident of Ganga Nagar Dhand, Tehsil and District, Tarn Taran,
2. Harpal Singh aged 26 years son of Beer Singh, aged 61 years, son of Gurmej Singh, resident of Ganga Nagar Dhand, Tehsil and District, Tarn Taran.

---Applicants/accused

Versus
State of Punjab

---Respondent

FIR No.59 dated 13.07.2021

Under Sections 34, 323, 341, 506 IPC and Section 452 IPC added later on
Police Station Sarai Amanat Khan, Tarn Taran.

BAIL APPLICATION UNDER SECTION 438 Cr.P.C.

Present: Shri Parminder Singh Dhillon, counsel for the applicants
Shri Satinderjit Singh, Additional P.P. for State

ORDER

Applicants/accused have 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 Lovejit Singh, who stated that he is a labourer. They are four siblings. The eldest brother namely Nishan Singh is married, younger to him is his sister Ranjit Kaur who is married at Patti, younger to her is complainant is himself and is also married, youngest brother Jatinder Singh is still unmarried. On 26.06.2021, at about 7.00-8:00 P.M., he was returning to his home from his work. In front of his house, in the street, Ranjit Singh alias Rana was standing who stopped him and said that he has abused him. Then after a while Ranjit Singh alias Rana along with his Jaspal Singh alias Jassa, Harpal Singh and Beer Singh, armed with Dangs, came there. Beer Singh raised a Lalkara to catch hold of the

complainant and he be taught a lesson, when complainant was returning after purchasing grocery from the shop situated in the street. In front of the house of complainant Jaspal Singh alias Jassa gave him a Dang blow which hit on the upper side of left waist. Then Ranjit Singh gave a dang blow and complainant raised his hand to ward off the attack and it hit on the fingers of his hand. Then Harpreet Singh gave a dang blow which hit his left knee. Then Jaspal Singh gave a dang blow which hit on his left waist. Hearing his hue and cry, his wife Nisha came running and dragged him inside the house. Then Jaspal Singh trespassed in the house and gave him four dang blows to his wife Nisha which hit her on her left elbow, right eye brow and on side of her waist. Then Ranbir Singh gave dang blows to sister-in-law Manpreet Kaur of complainant on her right knee and waist. Neighbourers of complainant with difficulty got the injured rescued. When the injured raised hue and cry then accused along with their weapons fled away from the spot. Brother Nishan Singh of complainant arranged a vehicle and got the injured in Civil Hospital. Talks for compromise were going on but same could not be materialized.

3. It is argued by the learned counsel for the complainant that on the basis of concocted version, the present case FIR has been registered after delay of about 15 days of alleged occurrence. It is submitted that the alleged occurrence took place on 28.06.2021 and the FIR was registered on 13.07.2021 and all the offences were bailable but later on due to political interference offence under Section 452 of IPC has been added to harass the applicants. It is submitted that as per the allegations in the FIR applicant no.1, who is of 61 years of age, is only accused to have raised a lalkara, whereas applicant no.1 is attributed to have caused a simple injury on non-vital part of injured/complainant. It is submitted that applicants are ready to

join the investigation and their custodial interrogation is not warranted and prayed for grant of anticipatory bail to the applicants.

3. On the other hand, learned Additional Public Prosecutor for the State, assisted by counsel for the applicant, has opposed the bail application and prayed for dismissal of the same.

4. I have heard the contentions of both the parties. From the perusal of the contents of the FIR it transpires that as per the complainant the alleged incident has taken place on 28.06.2021 but FIR was only got lodged on 13.07.2021 under Sections 341, 323, 506, 34 IPC and all the offences were bailable. There is no plausible explanation for such a long delay in lodging of the FIR. The offence under Section 452 IPC has been added later on. As per the version of the complainant the present applicants/accused are not accused to have committed trespass and allegations of criminal trespass are leveled against co-accused persons Ranjit Singh and Jaspal Singh who have since have been granted concession of regular bail. The applicant no.1 is not accused to have caused any injury to anybody except that he had raised a lalkara, whereas applicant no.1 is said to have caused a simple injury on non-vital part of body of complainant injured. Authenticity of the version of the complainant and culpability of the applicants is a matter of evidence. The circumstance of the case does not make out a case for custodial interrogation of the applicants. As such, without commenting anything upon the merits of the case and in order to facilitate the fair investigation, applicants are directed to join the investigation before 01.10.2021 and cooperate with the same and in the event of their arrests, they be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer on the following conditions:

- 1) That applicants shall appear before learned Investigating Officer as and when called upon him.
- 2) That the applicants shall not leave India without the prior permission of the court.
- 3) That the applicants 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 01.10.2021 for awaiting report from concerned police station as to whether applicants have joined the investigation or not?

However, it is made here clear that observation made herein above shall not be construed as an expression on the merits of the main case.

Announced: 29.09.2021

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

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