

**IN THE COURT OF PARMINDER SINGH GREWAL,
ADDITIONAL SESSIONS JUDGE (UID NO. PB0438),
SAS NAGAR**

CNR No. PBSA0101-0078-2022

CIS No. BA-2784-2022

Date of Institution: 17.10.2022

Date of Decision: 14.11.2022

1. Jaspal Singh Rana, aged about 59 years, son of Kabaz Singh,
 2. Balvir Singh, aged about 45 years, son of Ghasitu Singh,
- Both residents of village Mubarakpur, Tehsil Dera Bassi, District
SAS Nagar (Mohali) – 140201.

.....Petitioners.

Versus

State of Punjab.

.....Respondent.

DDR No. 27 dated 20.09.2018

Under Sections 323, 341, 506, 34, 295-A, 148 and 149 of
IPC.

in FIR No. 252 dated 20.09.2018

Under Sections: 324, 341, 506, 148, 149 of IPC and Sections
295-A, 148, 149 of IPC added later on.

Police Station Dera Bassi, District SAS Nagar.

**First Bail Application under Section 438 of Cr.P.C. for
grant of anticipatory bail to the petitioners.**

Present: Mr. Karamjeet Singh, Advocate for the petitioners.
Mr. Manjit Singh, Additional P.P. for the State assisted by HC
Avtar Singh.

ORDER

1. This order of this Court shall dispose of the present bail
petition filed in case DDR No. 27 dated 20.09.2018 under Sections 323,
341, 506, 34, 295-A, 148 and 149 of IPC (cross case) in FIR No. 252
dated 20.09.2018 under Sections 324, 341, 506, 148, 149 of IPC and
Sections 295-A, 148, 149 of IPC added later on registered at Police

(Parminder Singh Grewal)
Additional Sessions Judge,
SAS Nagar (14.11.2022)

Station Dera Bassi, District SAS Nagar for releasing the present petitioners on anticipatory bail under Section 438 of Cr.P.C.

2. Learned counsel for the petitioner has submitted that the present petitioners have been falsely implicated in the present cross-case due to political pressure and to put undue pressure upon the petitioner no.1, who is the complainant of the FIR No. 252 dated 20.09.2018 under Sections 323, 341, 506, 148, 149 of IPC registered at Police Station Dera Bassi against Manjeet Singh, the complainant in the present cross-case. He has further submitted that the petitioners have not committed any offence as alleged in the present cross-case. He has further submitted that the political influence and interference of the local politician is clearly evident from the conduct of the police as the FIR was registered on dated 20.09.2018 and since then, neither any investigation has been conducted nor any accused has been arrested and now after the change of the Government, all of a sudden the police came into action as Toni Rana is also an accused in the aforesaid FIR No.252 dated 20.09.2018 and now the police have initiated one sided action against the petitioners to put pressure upon them to withdraw the case/FIR registered by the petitioner Jaspal Singh. He has further submitted that there are no specific allegations against the petitioners in the present case and the petitioners have been falsely implicated in the present case. He has, thus, prayed that the present bail petition may kindly be allowed.

3. On the other hand, Learned Additional P.P. for the State

assisted by HC Avtar Singh has submitted that the petitioners alongwith their other co-accused have inflicted knife blow on the person of the complainant and thereafter, in furtherance of the common object of the unlawful assembly formed by the the petitioners with their co-accused, the beard of the complainant had been pulled and his hair have been taken out and his mobile phone costing Rs.17,000/- has been snatched, which is in the illegal custody of the petitioners and their co-accused at the present. He has, thus, prayed that the present bail petition may kindly be dismissed.

4. This Court has heard the Learned counsel for the petitioner as well as Learned Additional P.P. for the State and has perused the investigation record with their able assistance.

5. This Court is of the considered view that as per allegations levelled against the present petitioners and their other co-accused in the present FIR case, when the complainant Manjeet Singh @ Bablu went to the grocery shop situated at Camp for purchasing ration, many people gathered there. It has been further alleged that at that time, the co-accused Ranjeet Singh @ Reddy had raised a lalkara and had told that the aforesaid Sardar (the complainant) should be caught and should be taught a lesson by humiliating him as Sardar and after hearing all this, some of the accused including the petitioners ran towards the complainant and the petitioner no.2 Balvir Singh had run towards the complainant and had attempted to inflict knife blow in the abdomen of the complainant, which

was stopped by the complainant with his hand and the aforesaid knife blow had hit at the hand of the complainant. It has been further alleged that thereafter, the petitioner no.1 Jaspal Singh @ Kaka had pulled the beard of the complainant and had taken alongwith him handful of hair from the beard of the complainant, while abusing the complainant in the name of his caste by saying, *“Is Bhenchod Chamar Di MC Giri Kad De Han”* and thereafter, other 5/7 accused persons had caught the complainant from his arms and had badly beaten the complainant and thereafter, the complainant was saved from the petitioners and their other co-accused by the general public from the market. It has been further alleged that thereafter, the petitioners and the aforesaid co-accused ran away from the spot and while fleeing, they had taken the mobile phone costing Rs.17,000/- having two sim cards in it and this mobile phone is in the illegal possession of the petitioners and his other co-accused at present.

Furthermore, the present cross-case has been registered against the petitioners and others on dated 20.09.2018 and the petitioners are still on the run for the last more than 4 years in this case. Furthermore, it is very strange that neither the petitioners have been arrested by the police in this case nor they have been got declared as proclaimed offenders despite the petitioners being on run for the last more than 4 years and this shows the influence of the petitioners upon the area police and thus, the petitioners are not entitled to be released on anticipatory bail

in this case as there is likelihood of it that the petitioners shall influence the witnesses and the investigation process in this case.

Furthermore, this Court is of the considered view that the custodial interrogation of the present petitioners is required to ascertain the alleged mode and manner of the alleged commission of the alleged offence and for recovery of the alleged weapon i.e. knife allegedly used in the commission of the alleged offence.

Furthermore, the arguments raised by the Learned counsel for the petitioners pertain to disputed question of facts, which can only be ascertained after completion of investigation and after leading of evidence during trial and thus, the same are not of any help to the petitioners at this preliminary stage of investigation qua the petitioners.

6. In view of the reasons discussed herein before and after keeping in view the gravity and seriousness of the alleged offences, the present bail petition filed under Section 438 of Cr.P.C. is hereby dismissed as there is no merit in it.

7. The opinion expressed herein above shall not be construed as an expression of opinion on the respective merits of the case and the same shall be construed as the opinion expressed for deciding this bail petition only. Investigation record be returned. File be consigned to the record room.

Pronounced in the Open Court.
Dated: 14.11.2022

Tajinder Singh

(Parminder Singh Grewal)
Additional Sessions Judge,
SAS Nagar.
UID No. PB-0438

(Parminder Singh Grewal)
Additional Sessions Judge,
SAS Nagar (14.11.2022)

CNR No. PBSA0101-0078-2022

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Present: Mr. Karamjeet Singh, Advocate for the petitioners.
Mr. Manjit Singh, Additional P.P. for the State assisted by HC
Avtar Singh.

Investigation record is received and perused.

Arguments have been heard.

Vide separate detailed order of even date, the present bail
petition is hereby dismissed as stated therein. File be consigned to the
record room.

Dated: 14.11.2022

Tajinder Singh

(Parminder Singh Grewal)
Additional Sessions Judge,
SAS Nagar.
UID No. PB-0438

(Parminder Singh Grewal)
Additional Sessions Judge,
SAS Nagar (14.11.2022)