

**In the court of Sardar Harjeet Singh, Additional Sessions Judge,
Moga. (UID No.PB0131)**

CIS No.BA/2937/2024
CNR No.PBMO010077142024
Decided on :- 20.02.2024.

Jot Kaur @ Jyoti daughter of Ambu, resident of Village Nurpur Hakima,
Tehsil Dharamkot, District Moga and wife of Pargat Singh, now residing at
Village Daulatpura Ucha, Tehsil and District Moga.

---Accused/applicant

Versus

State of Punjab

FIR No.179 dated 14.08.2023,
Under Sections :- 379-B IPC (Rapat No.28 dated
2.10.2023)
Police Station :- Dharamkot.

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Bail Application under Section 438 Cr.P.C.

Present :- Shri Balwinder Singh Gill, Advocate for applicant/accused
Shri Amrit Mittal, Additional Public Prosecutor for the State

ORDER

Police record was summoned and received.

Learned counsel for accused/applicant has argued that accused/
applicant has been falsely implicated in the case in hand. Earlier, accused/
applicant was arrested and she was released on regular bail, when the case
under Sections 379,324,323,148,149 IPC by the court of Ms.Baljinder
Kaur Mann, learned Judicial Magistrate 1st Class, Moga. Thereafter police
added Section 379-B IPC, vide Rapat No.28 dated 2.10.2023. She
remained in custody from 24.08.2023 to 10.11.2023. She is having two

children having aged about 3 years and 01 year respectively. The accused/applicant has already joined the investigation. Her custodial interrogation is not required and prayed that accused/applicant be granted anticipatory bail.

On the other hand, learned Additional Public Prosecutor for State opposed bail application by stating that serious allegations have been levelled against the accused/applicant. It is not a fit case, where concession of anticipatory bail can be granted to the accused/applicant. Lastly, he prayed for dismissal of bail application.

I have considered submissions of learned counsel for accused/applicant and learned Additional Public Prosecutor for the State.

Perusal of record shows that present FIR was registered on the statement of complainant Balvir Kaur wife of Karnail Singh, wherein she claimed that on 11.08.2023 at about 10.00/11.00 p.m., her neighbor Bagga Singh who is indulged in selling the intoxicant substance, used to roam in whole night. Some persons used to stare in their house through the wall. She has told Jyoti daughter of Ambu that the persons, who visited their house, are looking in her house and in the meantime, Ambu gave dah blow, which hit on the left side of her head, Jeeti wife of Ambu gave toki blow, which hit on her forehead and she fell down on the ground and Jyoti and Gurnamo gave dang blows and Makhan Singh gave beatings to her. When she raised alarm, then all the accused fled away from the spot. While leaving the spot they have snatched her gold ear ring. In the meantime, her daughter Kuldeep Kaur and her daughter-in-law Kulwinder Kaur came at

the spot. Later on offence under Section 379-B IPC was enhanced in the present case vide Rapat No.28 dated 2.10.2023.

Today SI Balwinder Singh suffered statement that in pursuance of the directions issued by this court, the applicant/accused has joined the investigation. Her custodial interrogation is no more required.

Since, in terms of order dated 15.02.2024 passed by this court, the accused/applicant has already joined the investigation and as per statement of investigating officer, her custodial interrogation is not required. The accused/applicant has already remained in custody for about 1-1/2 months when case under Sections 379,324,323,148,149 IPC was pending. It is claimed that after many days, offence under Section 379-B IPC was added. The culpability of applicant/accused shall be gauged during the course of trial. So, without much commenting upon merits of the case, second bail application is allowed and the order dated 15.02.2024 is made absolute. File be consigned to the Record Room.

Pronounced.
21.02.2024.
(Jagjit Singh Panesar, Stenographer-I)

(Harjeet Singh)
Additional Sessions Judge,
Moga. ***(UID No.PB0131)***