

IN THE COURT OF MRS. MANJOT KAUR (PB-0097)
ADDITIONAL SESSIONS JUDGE
(EXCLUSIVE COURT FOR HEINOUS CRIMES AGAINST
WOMEN), PATIALA

Filing No. BA/2784/10.09.2019

PBPT01-013719/2019

Date of Order: 13.09.2019

Barkha & Others Vs. State of Punjab & Anr.

Application for bail u/s 438 Cr.P.C

Present: Sh. R.I.S. Majhail, advocate, counsel for the
applicants
Sh. Dev Dutt, Ld. Addl. PP for the State.
Sh. D.S. Cheema, Advocate, counsel for complainant.

ORDER

1. This order of mine shall dispose of an application U/s 438 Cr.P.C., for grant of bail filed by applicants Barkha, Manisha Devi @ Nisha, Vishal, Sewak @ Sewak Ram, Jeetu @ Lakshmi in case FIR No.100 dated 1.9.2019, under section 452/323/354-A/509/506/149 IPC, P.S. Bhadson, Patiala.

2 Upon notice, Ld. Addl. Public Prosecutor has appeared to represent the State and Shri D.S.Cheema, Advocate on behalf of complainant to contest the bail application.

3. I have heard learned counsel for the applicants and learned Addl. PP for the State, assisted by learned counsel for complainant and have gone through the record carefully.

4. It is the case of complainant Santokh Singh son of Gurnam Singh that he and Rani wife of Shingara Singh had solemnized love marriage on 1.4.2014 as against the wishes of their family members. Out

of this wedlock, a daughter named Roohinka was born to him. Accused no.1 to 15 are all members of in-laws family of the complainant and they nurtured a grudge against the complainant for having solemnized marriage with Rani. On 25.6.2018, the accused having forcibly entered inside the house of complainant had taken away Rani without her consent. After tutoring said Rani for about a month, they got lodged a false case against the complainant and his family in the Judicial Courts at Nabha. Complainant was also falsely got involved in a case under section 7/51 Cr.P.C. On 16.5.2019, at about 11.15 a.m all the accused variously armed with sticks and bricks, under a criminal conspiracy, forcibly entered inside his house and gave beatings to him and his mother and also damaged his household property. He however succeeded in fleeing away and thereafter informed the police on 100 number and upon which the officials of P.S.Bhadson came to their residence. Despite the above and the fact that the incident had been captured in a CCTV camera. No action was taken against the accused.

5. The main incident is stated to have taken place on 16.5.2019, whereupon the accused numbering 16, all members of in-laws family of the complainant, variously armed having forcibly entered inside his house had caused injuries to him and his mother. It is noteworthy that the nature of injuries had been declared to be simple. Moreover, although the assailants are stated to be 16 in number yet no specific overt act has been attributed to any of the accused. The allegations with regard to complainant having been beaten up by the accused are all general. He does not state as to which accused inflicted which type of injuries and on

which part of his body or that of his mother. In the said circumstances, custodial interrogation of the bail applicants is not called for. As such, applicants are directed to join the investigation as and when called by the investigating officer and in the event of their arrest, they shall be released on interim bail subject to their furnishing of bail bonds/surety bonds worth Rs. 50,000/-each within 7 days from today till the next date of hearing with the following conditions:

1. The applicants shall make themselves available as and when required by the investigating agency.
- ii. The applicants shall not induce/threaten any of the prosecution witness or temper the evidence of the prosecution in any manner.
- iii. Applicants shall not leave the country without prior permission of the court.

Now to come up on 24.9.2019 for report of investigating officer.

Date of order:13.9.2019
Typed by Seema Rani
Stenographer-II

(Manjot Kaur)(PB-0097)
Additional Sessions Judge
Patiala/