

**THE COURT OF SHRI PARMINDER SINGH RAI,
ADDITIONAL SESSIONS JUDGE, TARN TARAN**

CIS No : BA/2795/20.
Date of Institution : 24.11.2020.
Date of Decision : 27.11.2020.

Captain Singh son of Tarsem Singh, resident of village Chappa, P.S.
Jhabal, Tehsil and District Tarn Taran.

-----Applicant/accused.

Versus.

State of Punjab.

-----Respondent.

FIR No. : 125 dated 29.11.2015.
Under Section : 326,341,452,323,336,506,148,149
IPC and 25,27 Arms Act.
Police Station : Jhabhal.

Application under Section 438 Cr.P.C..

Present: Sh. J.S. Dhillon, Advocate, counsel for the
applicant/accused.
Sh. Gurpreet Singh Rana, APP for the State.

Order

Accused/applicant has moved the present bail application
under Section 438 Cr.P.C. seeking grant of anticipatory bail.

Heard. Learned counsel for the accused has argued that
occurrence has been five years old and false case has been registered.
Even only simple injury has been attributed upon the applicant and he
is even ready to join the investigation as well and present FIR is
counter blast to another FIR No.81/13 lodged against father of the
complainant.

Learned APP for the State has opposed the bail application
on the ground of seriousness of the offence.

Record has been received and as per the contents of the FIR on 28.11.2018 complainant Gursewak Singh had been coming back to his behak alongwith his father and saw in the light of the car that Captain Singh armed with 12 Bore rifle, Khushpreet Singh armed with Dattar, Kala armed with sword, Balwant Singh, Charanjit Singh armed with baseball bat, Amrik Singh empty handed were standing over there and they came in their way and tried to stop them while calling them by names and complainant managed to escape and reached his house and they all even followed and reached at their house as well where Amrik Singh raised Lalkara to teach them a lesson for Sarpanch election and Khuspreet Singh gave dattar blow to him hitting on his arm when raised to save. Balwant Singh gave dang blow hitting on his hip. He fell on the ground. Charanjit Singh gave basebat blow on his hip. Even Captain Singh fired and while he was lying on the ground Kala Singh gave him kick blow.

There has been no allegation against the applicant of having caused any injury to any person specifically. The only allegation against him that he fired shot but it is also not the case that he fired shot towards anybody with any ulterior motive. Even offence under Section 326 IPC has been added. The injury qua that has also not been attributed towards the applicant. Only fire shot in the air without any injury to anybody has been attributed to the applicant. So given such kind of allegation and it being no injury case attributed upon the applicant with fire, it would be in the fitness of things and larger

interest of justice that accused is directed to join the investigation till 21.12.2020 and in such event the applicant/accused shall be admitted on interim bail to the satisfaction of arresting officer/investigation officer/SHO concerned of the police station subject to conditions:-

- a) The applicant shall join the investigation and cooperate with the same as and when called by the investigation officer and will get effected the recovery of the weapon used as well.
 - b) He will not tamper with the prosecution evidence.
 - c) He will not leave the country without prior permission of the court.
- Report be submitted in this court and for consideration on the said date.

Pronounced
27.11.2020

Jaswinder Singh
Stenographer-III

Parminder Singh Rai
Additional Sessions Judge
Tarn Taran/UID-PB0175