

IN THE COURT OF JASVIR SINGH KANG, (UID-PB-0073)
ADDITIONAL SESSIONS JUDGE, LUDHIANA

BA/2309/2018
Date of Institution:23.03.2018
CNR No.PBLD010063292018
Date of Order:06.04.2018

Bail Application-1 State

Versus

Kunday Singh alias Kunda aged about 35 years son of Mohinder alias Mohinder Singh resident of House No.5125, Street No.2, Preet Nagar, Miller Ganj, Ludhiana.

BA/4158/2018
Date of Institution:31.03.2018
CNR No.PBLD010066832018
Date of Order:06.04.2018

BAIL APPLICATION UNDER SECTION 438 Cr.P.C.

Bail Application-II State

Versus

Ishar Singh son of Mohinder Singh resident of House No.5125, Street No.2, Preet Nagar, Miller Ganj, Ludhiana.

BAIL APPLICATION UNDER SECTION 438 Cr.P.C.

FIR No.265 dated 26.09.2017
Under Section 307/341/506/427/323/148/149 IPC
r/w 25-27-54-59 of Arms Act.
Police Station Division No.7, Ludhiana.

Present: Sh. Ramanpreet Sandhu, Advocate Counsel for applicant/
accused Kunday Singh alias Kunda.
Sh. Gurpreet Singh, Advocate Counsel for applicant/
accused Ishar Singh.

BA-I State Vs Kunday Singh alias Kunda/BA-II State Vs Ishar Singh

Sh. B.D. Gupta, Additional PP for the state.

ORDER:

Vide this common order both the above-said bail applications, which bail applications are under Section 438 of the Cr.P.C. and regarding one and the same FIR, has been disposed of.

2. Kunday Singh alias Kunda applicant/accused in his bail application has stated that he is innocent. He has been falsely implicated in this case. No occurrence as alleged by the prosecution had taken place. Alleged FIR was registered on the complaint of alleged complainant Veeru, who is his paternal uncle(Taya). As per the allegations, applicant/accused was armed with wooden stick(Daang) and had given a blow on the back side of head of complainant's uncle namely Mandi. But there is no medical examination of alleged Mandi. Alleged version of the complainant is false. Applicant/accused is ready to join the investigation. Nothing is to be got recovered from him. He is ready to obeyed any of the condition imposed by the Court. So, he may be given benefit of Anticipatory Bail.

3. Applicant/accused Ishar Singh in his bail application has stated that he is innocent and has been falsely implicated in this case. In fact the complainant, who is an influential person got registered the case against the applicant and his all other family members. Applicant's other family member namely Neelam wife of Kunda, Raji wife of Ishar Singh(Applicant), Mahindro wife of Mohinder (mother of the applicant, Mohinder son of Talli Ram(father) has already been declared

as innocent after the inquiry of said FIR, on the basis of inquiry made by the higher police official of the application moved by the above-said family members of the applicant. Applicant/accused is ready to join the investigation. He is apprehending his arrest. Nothing is to be got recovered from him. He is ready to obeyed any of the condition imposed by the Court. So, he may be given benefit of Anticipatory Bail.

4. On notice of both the above-said bail applications, learned Additional Public Prosecutor appeared along-with Investigation Officer. Police Record produced. Learned Additional PP for the State contested the bail applications. He submitted that nature of allegations against both the applicant/accused are serious. They both had taken active participation in the occurrence. Allegations against applicant/accused Ishar Singh are that he made fire shot from the pistol taken by him from his other associate/accused, which fire hit on the side of the head on the person of the complainant and Ishar Singh applicant alleged to have made an another fire shot towards the person of wife of the complainant, but luckily she got saved from said shot and the bullet of that shot hit on the Water Tank of their house. Medical Examination of the complainant with regard to above-said injuries is on the file. Further, against other co-accused/applicant Kunday Singh alias Kunda allegations are that he made blow with daang towards the head of Mandi, but the said blow of daang hit on the back side of shoulder of Mandi. Further, there are allegations that all the accused damaged the

household articles including vehicle of the complainant party. FIR has been registered for serious offences out of which one is under Section 307 IPC. Custodial interrogation of the both applicants/accused is very much essential for just and complete investigation of the case. So, they may not be given benefit of Anticipatory Bail.

5. I have paid a considerable thought to the submission of learned Counsel for the applicants/accused and learned Additional Public Prosecutor and perused the record. As per the version of the complainant sons of Mohindro who are having their house near their house are habitual of consuming Intoxicating Substances. Son of uncle of the complainant namely Deepu was also put on Intoxicating Substances by the above-said sons of Mohindro and Ishar (applicant). On 25.09.2017, at about 11.00pm, said Deepu came to his house and as he had become addict to Intoxicants then he was continuously demanding Intoxicating Substance which may be got from the sons of Mohindro and Ishar, then the family of uncle of the complainant had asked Ishar why they had put Deepu on Intoxicating Substance, then Ishar along-with his brother Kunda and further along-with 15-20 unknown persons started threatening. One person was Sardar person who was having pistol and pointed out the said pistol towards the complainant, but in the mean time Ishar snatched that pistol from said Sardar person and made fire with intention to kill towards the complainant which hit on the side of the head of the complainant and he made an another fire towards wife of the complainant, but luckily

she got saved herself from said fire, but the bullet of that shot hit on the Water Tank of their house. Further, allegations against Kunda applicant are that he was armed with daang and he has made blow on the person of uncle of the complainant but the said blow of daang hit on the back side of shoulder of Mandi. Further, allegations against the accused are that they all damaged the household articles of the complainant including vehicle of the complainant(Chhota Hathi). Challan against the accused has even filed in the court. Applicants/accused are evading from their arrest. Their custodial interrogation appears to be essential. Alleged weapons may be got recovered from them. The contention of the learned Counsel for the applicant/accused Kunda that there is no medical examination of Mandi is not on the file is having no force and substance at this stage as in the statement made by said Mandi under Section 161 of the Cr.P.C. before the Investigation Officer, he has specifically and categorically stated that Kunda made blow with daang on his person which hit on his back side of shoulder. He got treatment regarding that injury. Though, his medical examination is not on the file, but from above-said oral version of the said witness at this stage cannot be thrown away or ignored. So, in view of above-said discussion, I have come to the conclusion that the gravity of the offence is serious. Nature of the allegations against both the applicants/accused is serious. The alleged manner of occurrence also appears to be serious. So, in view of these circumstances, I have come to the conclusion that no ground can be said to be made out for extending benefit of

Anticipatory Bail to both the applicants/accused. As such, without commenting on the merits of the case in any manner, both these bail applications filed by applicants/accused Kunday Singh alias Kunda and Ishar Singh are dismissed and stand disposed of. Police Record be returned. Copy of this order be placed on the file of bail application titled as State Versus Ishar Singh and the files of both the applications be consigned to the Record-room according to rules.

Dated:
06.04.2018

Jasvir Singh Kang,
Additional Sessions Judge, Ludhiana
UID-PB0073

Neelam
Stenographer-II