

PBGD010025382024



Presented on : 22-03-2024
Registered on : 22-03-2024
Date of order : 28.03.2024
Pending for : 05.04.2024

**IN THE COURT OF
ADDITIONAL SESSIONS JUDGE,
AT ,Gurdaspur
(Presided Over by Sh. Raman Goklaney)**

BA/1059/2024

1. Shamsher Singh aged about 23 years son of Balwinder Singh,
2. Sunny aged about 22 years son of Balwinder Singh,
3. Ricky @ Daljit Kaur aged about 32 years wife of Pardeep Singh,
4. Jeewan Singh aged about 19 years son of Sarabjit Singh,
All residents of Village Dakoha, PS Ghuman, Tehsil Batala, District
Gurdaspur.

....Applicants/Accused.

Versus

State of Punjab.

...Respondent

Ist Application for bail U/s 438 of Code of Criminal Procedure.

FIR No. 29 dated 02.03.2024.

Under Sections : 341, 323, 324, 506, 148, 149 IPC.

Police Station : Ghuman.

Present : Sh. Kamal Masih Khokhar, Advocate, for applicants/accused.
Sh. Aman Mahindru, Additional Public Prosecutor for State.

Apprehending arrest, in case FIR No.29 dated 02.03.2024 under

Sections 341, 323, 324, 506, 148, 149 IPC registered at Police Station

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Ghuman, District Gurdaspur the accused-applicants have filed the present pre-arrest bail application.

2. Upon presentment of bail application notice of the bail application issued to the State and in pursuance thereof, Sh. Aman Mahindru, learned Additional Public Prosecutor has put in an appearance on behalf of the State. Today, police record received and perused. Learned counsel for accused-applicants & learned Additional Public Prosecutor for State heard.

3. Facts in brief necessary for disposal of the present bail application are that FIR in question registered on the statement of Balraj Singh son of Balwant Singh to the effect that he is running the shop of barber/Hair Dresser at village Dakhoa and on dated 01.03.2024, he after closing his shop along with his brother were going to their house on Motorcycle. His brother was sitting as a pillion rider. When they reached in front of barber shop of Balraj Singh son of Raula Singh then time was about 7:00 PM, Balraj Singh & Ors. intercepted them. It is alleged by the complainant that Baljit Singh etc. who were armed with datar, dang etc. inflicted injuries upon him, the details of which are as under:

Name of assailant	Armed with	Attribution	Nature of injury and offence under IPC
Baljit Singh	Datar	Two blows on head of Balraj Singh	Two Incised wounds (324 IPC)
Pardeep Kumar	Datar	Two blows on head of Balraj Singh	Two Incised wounds (324 IPC)
Heera Singh	Datar	Two blows on	Two Incised

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		head of Balraj Singh	wounds (324 IPC)
Soni @ Harjinder Singh	Datar	Two reverse blows of datar on the right hand	Abrasion 2 x 1 cm & incised wound 4.5 x 1 cm on right ring finger (326 IPC)
Shamsher Singh	Dang	Near left eye	Diffused swelling with blackening of eye (323 IPC)
Sunny	Dang	Left cheek	Abrasion (323 IPC)
Jeewan	Dang	Left forearm & left hand	Complaint of pain over left forearm & left hand (323 IPC)
Ricky	Empty handed	----	----

With the aforesaid allegations, FIR was registered against the aforesaid persons along with unknown persons on dated 02.03.2024 at 21:04 hours.

4. Sh. Kamal Masih Khokhar, Advocate learned counsel for the accused-applicants submitted that the FIR in question has been registered after delay of more than 24 hours. He next submitted that the complainant has used the time for concocting and exaggerating the roles allegedly attributed to the assailants. He next submitted that in fact Ricky @ Daljit Kaur solemnized marriage with Pardeep Singh and also got protection from Hon'ble Punjab & Haryana High Court and on this grudge, the present FIR has been registered by inflicting the injuries. Learned counsel next submitted that injuries under Section 326 IPC as allegedly attributed to the accused-applicant Soni is on the right ring finger of the Balraj Singh complainant. He next submitted that all the injuries attributed to the

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accused-applicants are in the nature of abrasion, complain of pain and swelling and all falls under Section 323 IPC. He next submitted that accused-applicants are ready to join the investigation and would extend full cooperation and all the accused-applicants are having permanent abode and there are no chance of fleeing from justice. With these submissions, learned counsel prayed for concession of anticipatory bail.

5. Per contra, Sh. Aman Mahindru, learned Addl.P.P. for the State opposed the bail application that accused-applicants after forming unlawful assembly inflicted as many as 12 injuries upon the person of complainant Balraj Singh. He next submitted that accused-applicants have actively participated in the offence in question and the mode and manner in which the complainant has been smashed do not entail them the concession of anticipatory bail.

6. After hearing the rival submissions of the parties, the role allegedly attributed to the accused-applicants that they gave blow of dang upon the complainant and the nature of injuries allegedly attributed to the accused-applicants falls under Section 323 IPC. The injury under Section 326 IPC which is on the right ring finger of the complainant is attributed to accused-applicant Soni alias Harjinder. The accused-applicants having permanent abode and they are not flight risk. So, in these circumstances as discussed above, custodial interrogation of the accused-applicants at this stage appears to be not imminent. As such, without commenting upon the merits of the case and in order to facilitate the fair investigation, accused-applicants are

directed to join the investigation and in the event of doing so, they will be released on interim bail to the satisfaction of Arresting Officer/Investigating Officer and applicants are directed to cooperate in the investigation, subject to the following conditions :

- i. That the applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the present case, so as to dissuade from disclosing such facts to the Court during trial.
- ii. That the applicants will join the investigation/enquiry as and when called by the investigating officer.
- iii. That the applicants will not leave the country without prior permission of the Court.

7. It is made clear that observation made herein above shall not construed as an expression on the merits of the main case. Now to come up on 05.04.2024 for awaiting report from concerned police station as to whether applicants have joined the investigation or not.

**Pronounced in open Court.
On 28.03.2024.**

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**(Raman Goklaney)
(UID No PB-0687)
Additional Sessions Judge,
Gurdaspur.**

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Harjit Singh

Facts in brief for disposal of the present bail application are that FIR in question registered on the statement of Kulwant Singh son of Balkar Singh who stated that on 02.02.2024 at about 8:15 PM he had gone to his brother's house. He and his brother Balwinder Singh were sitting in the house and were talking then sound of Motorcycle stopping outside house of his brother heard. Main gate of the house of his brother was not latched. Then two persons opened the gate of his brother's house and entered in the house. One of them was Harjit Singh son of Chainchal Singh of their village and the other was Sandeep Singh son of Nirmal Singh of neighbouring village Khanowal. After entering the house Harjit Singh raised Lalkara and started hurling abuses and defiantly told his companion Sandeep to kill Balwinder Singh. Upon this Sandeep Singh fired gun-shot with his pistol with intentions of killing his brother Balwinder Singh, which hit his left leg below the knee. Thereafter, the said Harjit Singh took the pistol from Sandeep Singh and fired at his brother Balwinder Singh, which hit his left thigh. Both the complainants Kulwant Singh and his brother Balwinder started raising alarm 'Mar ditta, Mar ditta'. Upon this both the assailants with their weapons started running away from the spot on motorcycle standing in the street. While running away their motorcycle slipped in the street and as a result thereof Sandeep Singh suffered some injuries. The cause of dispute as stated by complainant that Harjit Singh after consuming liquor used to abuse his brother Balwinder Singh to which he objects and Harjinder Singh after nursing this grudge in his mind attacked his brother.

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