

FIR No.102 dated 31.05.2019

Under Sections 452/323/324/427/148/149/120-B/326/459 IPC,
Police Station Kotwali, District Kapurthala.

Present:- Sh. B.S. Rath, Advocate for applicant-accused.
Sh. Shailinder Gill, Id.Addl.PP for the State.

The above noted case was registered on the basis of statement suffered by *Darshan Kumar (complainant)* son of Raju Ram, wherein he has submitted that, he was retired as Chief Superintendent from Bharat Sanchar Nigam Limited and now working as Chairman of Grievance Cell, Kapurthala, Congress Party. His wife Ranjna is also Member Panchayat of village Kadupur. Complainant and his wife are living alone, as their children are residing abroad. They hired services of two sisters as domestic servants namely Harpreet Kumari @ Mitho and Gulshan, on 17.05.2019, for a sum of Rs.800/- per month, who were also working under the Scheme of NAREGA. On 30.05.2019 both domestic servants (girls) came to their house at about 08.00 a.m. and after completing work, left at 09.00 a.m. After about 45 minutes, *Balvir (uncle/Taya)* of *Harpreet Kumari @ Mitho* and *Gulshan (domestic servants)*, who were holding bricks in their hands, *Surinder Pal* armed with “dattar”, *Paramjit Kaur*, *Satwinder Kaur*, *Jagtar Ram* armed with “dangs” and “sticks”, alongwith *Narinder Paul Singh (Sarpanch of village)* by hatching conspiracy, came out of their house and started calling him loudly. They were also hurling abuses. When he and his wife Ranjna peeped, through the outer gate, saw that all the accused were armed with weapons, as stated above. On seeing him, *Narinder Paul Singh (Sarpanch)* raised lalkara to teach a lesson for eve teasing. Upon this, he and his wife after bolting door hurriedly came inside. All the accused at the instance of Narinder Paul Singh, hurled brick bats and had broken the window pains alongwith 6-7 unidentified persons. They also gave push blows to outer gate and damaged the same, also caused damaged to other doors by breaking open latches, they forcibly entered into house,

armed with deadly weapons. **Surinder Pal** gave “dattar” blow aiming towards his **head**, in order to save him, he raised his left hand, the same hit on the “little finger” as well as “ring finger” of the left hand. **Mahajan** gave “dattar” blow, the same hit on the “wrist of the left arm”. **Paramjit Kaur** gave “stick” blow on his “chest”, **Satwinder Kaur** gave “stick” blow on his “head”, **Jagtar** gave “stick” blow on the **wrist of left arm**, **Harpreet Kumari** and **Gulshan** gave *brick bat blows* at his *back*, whereas Narinder Paul Singh, kept on instigating them by saying “*not to spare and teach him a less*”. They also gave beatings to his wife Ranjna, when she came near to rescue him. His noise attracted the members of locality. Upon this, all the accused ran away from the spot alongwith their respective weapons.

Satwinder Kaur applicant/accused had moved application under Section 438 Cr.P.C. for grant of anticipatory bail in the above mentioned case. Other co-accused namely Harpreet Kumari, Gulshan, Paramjit @ Paramjit Kaur, Surinder Pal, Narinder Paul Singh and Balvir Kumar, had also moved separate applications under Sections 438 Cr.P.C. The applications moved by above stated accused, have already been disposed of vide common order dated 15.07.2019, by granting them concession of interim bail, subject to the conditions that they will **join investigation within three days** from the date of order.

As per allegations levelled by the prosecution, **Satwinder Kaur** applicant/accused gave stick blow on the head of complainant.

Learned counsel for applicant-accused submitted that **Satwinder Kaur** applicant/accused has joined the investigation in pursuance of order dated 09.07.2019. It is further submitted by learned defence counsel that since **Satwinder Kaur** applicant/accused, has joined investigation and nothing is to be effected from her, so the bail already granted to her be confirmed.

On the other hand, learned Additional Public Prosecutor submitted that after the occurrence, Darshan Kumar (complainant) was

radiologically examined and thereafter, he was got admitted at Sacred Heart Hospital, Maqsoodan, where he was operated. Thus, the opinion already expressed by Medical Officer, regarding injury no.3 is liable to be reviewed, as serious offence has been committed by **Satwinder Kaur** applicant/accused.

After having considering submissions put forth by counsel for both the parties and perusal of the file shows that, as per allegations levelled by prosecution, **Satwinder Kaur** applicant/accused was armed with danda and she gave blow on the head of Darshan Kumar (complainant). Injury no.3 was declared as simple in nature with blunt weapon. As per police file, the application, submitted by Darshan Kumar (complainant), regarding subsequent medical treatment of injury no.3 was considered by the Investigating Officer, vide Rapat No.16 dated 31.07.2019. It was recorded that the injury, which was subjected to scanning by Raj Scanning Centre, does not tally with the injuries as got recorded by the complainant in the First Information Report and as described in Medico Legal Report, thus, no other offence is required to be added. So, keeping in view the report made by the Investigation Officer vide Rapat No.16 dated 31.07.2019, as the injury attributed to **Satwinder Kaur** applicant/accused, declared simple in nature, and she has already joined investigation, so without commenting upon the allegations and counter allegations, the order dated 09.07.2019, vide which the above stated applicant-accused, was granted **interim bail**, stands **confirmed**, subject to the following conditions :-

1. That the applicant-accused will not tamper with the prosecution evidence in any manner.
2. That the applicant-accused will not leave the limits of India without prior permission of the court.
3. That the applicant-accused will attend the court on each and every date.

Bail application file be consigned to the record room.

Pronounced in open Court.
06.08.2019.

(Mohinder Kumar)

(Rajwinder Kaur),
Additional Sessions Judge,
Kapurthala.
(UID No.PB0121)