

*In the Court of Sh. Rakesh Kumar
Additional Sessions Judge,
Ferozepur*

Bail Application No.252 Of 24.05.2018

CIS No. BA 1067/2018

Date of Order :- 07.07.2018

PBFZO100- 2966-2018

Manish alias Monu son of Channa aged 27 years, resident of Ward
No.5, near Church, Basti Guru Karam Singh, Guruharsahai, Tehsil
Guruharsahai, District Ferozepur

.... Applicant.

Versus

State of Punjab

... Respondent.

FIR No.62 dated 05.05.2018

Under sections 307/324/323/379/148/149 IPC

PS: Guruharsahai.

Present: Sh. Rajnish Dahiya, Advocate for the Applicant/ accused;
Sh. B. S. Kamboj, Additional PP for the State.

ORDER

1. The present order of mine would have the effect of
disposing of the present application under Section 438(i) Cr. P. C. filed
by Manish alias Monu through counsel Sh. Rajnish Dahiya, Advocate,
in FIR No.62 dated 05.05.2018, under sections 307/324/323/379/
148/149 of IPC, registered at Guruharsahai.

2. Notice of the application was given to the learned Additional Public Prosecutor for the State and in pursuance of the said notice, the Additional Public Prosecutor for the State has put in his able appearance and has strongly contested the present bail application.

3. Brief facts of the present case are that present FIR was registered on the statement of Ranjit Singh son of Phuman Singh on the allegations that on 25.04.2018 at about 9:00/9:30 PM, complainant Ranjit Singh along with his friends Raman Kumar and Sandeep Kumar went for taking meal at Babe Da Dhaba situated at Faridkot road, Guruharsahai. Accused Gaurav (non applicant) was already there and taking liquor and he started arguing with Sandeep Kumar on some issue when the complainant Ranjit Singh tried to stop Gaurav (non applicant), he went away from the spot while threatening for seeing them lateron. After few minutes non applicant Gaurav armed with kapa, present applicant Manish alias Monu armed with kapa and their friend Sema armed with baseball bat along with 5/7 unidentified persons came on the spot. Gaurav (non applicant) raised lalkara let the teach a lesson for doing the arguments with them. Gaurav (non applicant) gave kapa blow with the intention to kill the complainant which hit from its reverse side o the right side head of complainant.

Garuav (non applicant) gave second blow with kapa which hit on the left side of head of complainant Ranjit Singh. Applicant Manish alias Monu gave kapa blow on the face of complainant which hit on the nose and lips of complainant as a result of which four teeth of complainant were broken. Raman Kumar friend of complainant came forward for rescuing the complainant, in the meanwhile, Sema (non applicant) gave basebat blow which hit in the middle of head of Raman Kumar. Sandeep Kumar also came forward for rescuing complainant and Raman Kumar, then the unidentified persons also manhandling with him. The complainant party raised raula marta marta, the people present at the dhaba were gathered there and all the accused persons were fled away from the spot while going back they also took Vivo V-5 mobile and purse of the complainant. Sandeep Kumar called father of complainant on a mobile call who after managing the vehicle got the complainant and other persons admitted at Civil Hospital Guruharsahai, from where they were referred to GGS Medical College, Faridkot.

4. The learned counsel for the applicant has contended that applicant has been falsely implicated in the present case. He has further contended that applicant has no concern whatsoever with the

occurrence or with the injured. The applicant has been falsely implicated due to the political rivalry and vendata. The applicant belongs to Akali Dal Party and openly supported the Akali Dal candidate in the assembly elections. Now a days there is a trend have come in the throughout State of Punjab that the supporters of Akali Dal and others are falsely implicated in non bailable offences. He has further pointed out that alleged injury attributed to the applicant is simple in nature. As the FIR is false and frivolous, nothing is required to be recovered from the hands of the applicant. The applicant is ready to join the investigation.

5. On the other hand learned Additional PP for the State has contended that serious allegations have been levelled against the applicant, so the applicant does not warrant the concession of anticipatory bail.

6. I have considered the submissions made by the counsel for the applicant as well as learned Additional PP for the State and also gone through the record on file.

7. After perusing the entire material available on record and arguments of the learned Additional Public Prosecutor for the State and learned counsel for the applicants, I am of the considered

opinion that the present bail application deserves to be dismissed. The allegations against the present applicant are that present applicant Manish while sharing his common intention with other co-accused i.e. Gaurav and Sema (non applicants) with the intention to kill caused injured to Ranjit Singh complainant/injured where as his co-accused Gaurav (non applicant) raised lalkara. The co-accused Gaurav (non applicant) also gave kapa blow on the left side of head of the complainant/injured Ranjit Singh and gave another blow on the right side of head of complainant Ranjit Singh. Thereafter, present applicant Manish alias Monu also gave kapa blow which hit Ranjit Singh on the nose and lips with the result that four teeth belonging to complainant Ranjit Singh were broken. The co-accused Sema (non applicant) also gave baseball bat blow to Raman Kumar friend of complainant Ranjit Singh which hit him on the head. Sandeep Kumar also suffered injuries at the hands of the accused. The injuries on the person of Ranjit Singh which is allegedly caused by the present applicant Manish alias Monu on the internal bone of the nose of the complainant Ranjit Singh has been declared grievous in nature. The other two injuries has also been declared grievous in nature. The perusal of the medical record, the injury allegedly caused by Gaurav (non applicant) on the head of complainant has been declared grievous in nature. Similarly, the injury

caused by Sema (non applicant) on the head of Raman Kumar has also been declared grievous in nature. So, all the three injuries on the person of complainant/injured Ranjit Singh have been declared grievous in nature and one of the injury on the person of Ranjit Singh has been caused on the vital part i.e. fracture of left parieto temporal bone which is vital part. Thus, serious allegations have been levelled against the present applicant. So, in my considered opinion, the custodial interrogation of the applicant is necessary. Keeping in view the seriousness of the allegations and the gravity of the offence, no extra ordinary circumstances are made out for the grant of concession of anticipatory bail. Hence, the present bail application is, hereby, dismissed. Bail application be consigned to the record room.

Pronounced
Dt:07.07.2018

(Rakesh Kumar)
Additional Sessions Judge,
Ferozepur