

**IN THE COURT OF SH.B.B.S.TEJI,
SESSIONS JUDGE, BARNALA.**

(U.I.D.No.PB0084)

CNR No.PBBR01-002912-2025

CIS No.BA/1070/2025

Date of Order.....16.07.2025

Shampi Singh son of Sukha Singh resident of #1, Jagal Basti, Ward no. 11,
Barnala, District Barnala.

...Applicant/accused

Versus

State of Punjab

Application for bail U/s.483 of BNSS

F.I.R.No.133 dated 13.04.2025

Under Sections : 115(2), 118(1), 118(2), 3(5), 238
of BNS (old Sections 323, 324, 326, 34, 201 of IPC)
Police Station: City-I Barnala.

Present: Sh.AS Jassal, Advocate counsel for applicant/accused.
Smt Sukhraj Kaur, Addl.Public Prosecutor for the State.

ORDER

1. This is the first bail application for regular bail U/s.483 of
BNSS moved on behalf of applicant in the above noted FIR.

2. Heard, learned counsel for applicant and learned Addl.Public
Prosecutor for State and record perused.

3. As per case of prosecution, instant FIR was registered on the
statement of Hardeep Singh on the allegations that he is running a general
store near SD College, Barnala and his marriage was solemnized with
Kirna Kaur about one and half years back and earlier, she was married to
Gurmeet Singh @ Leela, who had already died. Kirna Kaur was having

two sons namely Harman Singh and Kaka Singh from her first marriage and they were residing with the family of Gurmeet Singh. After about 2/3 months, Kirna Kaur started saying him that she does not want to live with him now and wants to live with her children and she filed the divorce petition against him. On 10.04.2025, he was running his abovesaid general store on a cart in front of SD College, Barnala underneath the bridge. It was at about 05:00 PM, Kirna Kaur came to him and started abusing him. When he told her to leave, she called her son Kaka Singh on the spot. Kaka Singh came on the spot alongwith unknown person and he was armed with Iron Takua. They both started beating him on the asking of Kirna Kaur. Kaka Singh gave Takua blow towards him, which hit on his right hand and blood started oozing out. He raised the alarm and people gathered on the spot and thereafter all three ran away from the spot alongwith weapon. Thereafter, he was got admitted at Bhim Nursing Home, Handiaya by his mother Baldev Kaur. The motive behind the occurrence was that Kirna Kaur had filed the divorce petition against him and used to demand the maintenance from him. On this statement, present FIR was registered.

4. Learned counsel for applicant has submitted that applicant has been falsely implicated in the present FIR. That there is a delay in registration of FIR as alleged occurrence took place on 10.04.2025, whereas FIR was got registered on 13.04.2025. That as per contents of the FIR, the applicant was not named in the FIR and he was nominated as an

accused on the disclosure statement of co-accused Harpreet Singh @ Kaka. That co-accused Harpreet Singh @ Kaka has already been granted regular bail by the Id.trial court, whereas bail application of accused/applicant was non-suited only on the ground that there are previous antecedents of the applicant, whereas the applicant is on bail in other FIRs. That the alleged offences are triable by the court of Magistrate. That applicant is in custody 26.05.2025 and no more required by the police for further investigation. That the conclusion of trial will take time and it shall serve no useful purpose by detaining the applicants behind bars for indefinite period.

5. On the other hand, Id.Addl.Public Prosecutor on instructions from HC Sandeep Singh has not controverted the fact that there is a delay in registration of FIR as alleged occurrence took place on 10.04.2025, whereas FIR was got registered on 13.04.2025. That the applicant was not named in the FIR and he was nominated as an accused on the disclosure statement of co-accused Harpreet Singh @ Kaka. No specific overt-act has been attributed to the applicant. That the alleged offences are triable by the court of Magistrate. That applicant is in custody 26.05.2025. That co-accused Harpreet Singh @ Kaka has already been granted regular bail by the Id.trial court, whereas bail application of accused/applicant was non-suited only on the ground that other FIRs of similar nature were registered against the applicant, however it has not been controverted that the applicant is on bail in other FIRs. It has been further contended that

applicant is a habitual offender, the prosecution may be granted liberty to move appropriate application for cancellation of bail, in case, the applicant is again found indulging in similar nature of offence.

6. After considering the above, the applicant is in custody since 26.05.2025 after his arrest, entailing that the applicant is no more required by the police for further investigation. The co-accused Harpreet Singh @ Kaka has already been granted regular bail. Furthermore, the alleged offences are triable by the court of Magistrate, no useful purpose shall be served by detaining the applicant behind bars for indefinite period as conclusion of trial is likely to take adequate time. Accordingly, the application is allowed and the applicant is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of Ilaqa Magistrate/Duty Magistrate. Nothing express herein shall have bearing on the merits of the trial. As prayed, in case applicant is found again indulging in such/similar offence, prosecution shall be at liberty to file appropriate application for cancellation of present bail.

In view of the judgment dated 31.01.2023 passed by the Hon'ble Supreme Court in SMWP (Criminal) No. 04/2021, copy of this order be sent to the Superintendent of District Jail, Barnala for information.

Bail papers be consigned to record room.

Announced.

Dated:16.07.2025

Amit Steno-II

(B.B.S.Teji)

Sessions Judge, Barnala
(PB0084)