

BA-1096-2020 Dara Singh etc. Vs. State of Punjab
CNR no.PBFZC0-002342-2020

FIR no.44 Dated 20.2.2020
Under Section 452/323/34 of IPC
P.S. Sadar Fazilka

Present:- Sh. R.P. Chuchra, Advocate counsel for
applicants/accused.
Sh. Yogesh Kasrija Addl. PP for the State.

Police record produced. Arguments heard. Learned counsel for applicants/accused argued that the applicants/accused are totally innocent and the above-noted case is totally false and baseless against them. The present FIR has been got registered on the basis of manipulated story and due to political vendetta and there is no iota of truth in it. The offence under Section 452 of IPC has been added only to make out non-bailable offence and to arrest the accused and to further harass them. The custodial interrogation of the applicants/accused are not required. There is no apprehension of their absconding or tempering the prosecution evidence. The applicants/accused undertake not to leave India without the prior permission of the court. They are ready to join investigation as and when required or ordered by this court. In the end, a prayer for grant of interim anticipatory bail has been made by learned counsel for the applicants/accused.

2. On the other hand, learned Addl. PP for the State has vehemently opposed the bail application on the ground of gravity

of offences and submitted that applicants/accused should not be granted concession of anticipatory bail and his bail application may be dismissed.

3. I have heard learned counsel for the applicants/accused and learned Addl. P.P for the State and have also gone through the record on file.

4. As per record, earlier also an application of the same nature was filed by the applicants/accused and in the said application, they were granted pre-arrest bail vide order dated 15.4.2020 passed by this court. But they failed to comply with the abovesaid order and did not join the investigation with the police as ordered. So vide order dated 3.6.2020 the said bail application of applicants/accused was dismissed on the said account. Needless to repeat that in the case in hand the applicants/accused Dara Singh, Bhajan Singh @ Harbhajan Singh and Mohinder Singh have been booked for having caused injuries to the complainant of this case namely Suresh Kumar son of Jammu Ram, resident of Visakhe Wala Khoo (Mohammad Peera) by entering into his house. The careful perusal of the file goes to show that all the injuries attributed to the applicants/accused on the person of complainant and his mother fall within the ambit of Section 323 of IPC and are on the non-vital parts of their bodies. Except the offence under Sections 452 of IPC, all offences are bailable and as such keeping in view the abovestated facts and circumstances of the case without commenting upon the merits thereof, in the

interest of justice, the applicants/accused ***Dara Singh, Bhajan Singh @ Harbhajan Singh and Mohinder Singh*** are again admitted to interim bail subject to conditions that they will appear before the SHO/IO within 5 days from today in the event of their arrest, they will also be released on bail on their furnishing personal bonds in the sum of Rs.50,000/- each with one surety in the like amount each and subject to the conditions as envisaged in Section 438 (2) Cr.P.C. Copy of this order be sent to SHO/IO of the police station concerned for information and necessary compliance. Police report be called for 17.6.2020.

Dated: 11.6.2020

Deepak Kumar

Stenographer Gr. II

Sd/-

(Gurdarshan Kaur Dhaliwal)

Addl. Sessions Judge

Fazilka/UID No.0146