

In the Court of Hardip Singh, Additional Sessions Judge, Ferozepur

CNR No.PBFZ0100-2629-2022

BA No. 56 of 24.05.2022

CIS No. BA/1100 of 2022

Date of Order: 25.05.2022

Gursahib Singh aged 40 years son of Balwant Singh, resident of village Ghall Khurd, Tehsil and District Ferozepur.

... Applicant/Accused.

Versus

State of Punjab.

...Respondent.

FIR No.39, dated 19.05.2022
U/s 307, 323, 148, 149 IPC &
25/27/54/59 Arms Act
Police Station Ghall Khurd.

(Application for bail under Section 438 of Cr.P.C)

Present: Sh. M.K. Bajaj, Advocate, counsel for applicant/accused.
Sh. Keemat Singh, Additional Public Prosecutor for the
State.
Sh. Gurajesh Bajaj Advocate, counsel for complainant.

O R D E R

1. Heard on the bail application filed by applicant/accused Gursahib Singh, under section 438 Cr.P.C in case bearing FIR No. 39, dated 19.05.2022, under section 307, 323, 148, 149 IPC and 25/27/54/59 of Arms Act, Police Ghall Khurd.

2. Learned counsel for the applicant/accused has argued and contended that the present FIR is a result of personal vendata of

complainant against the applicant/accused and his cousin brother Randhir Singh. Applicant/accused is employed in Market Committee, Talwandi Bhai and was present on duty on the alleged date and time of occurrence. Background of the case is that panchayat land measuring 22 Kanal was under the possession of complainant party since last year for a petty sum of Rs. 22,000/-. 19th May, 2022 was fixed for re-auction of said land and previously this land was in the name of Pritam Singh son of Gurnam Singh father of the complainant. Gurjit Singh @ Jeeta, whose wife is a Chairman of Market Committee, Block Ghall Khurd had got registered this FIR to keep away the family of the applicant/accused and Randhir Singh from the auction. It is a no injury case and only lalkara has been attributed to the applicant/accused and he is shown to be empty handed. Previously also, an FIR No. 114 dated 07.12.2021, Police Station Ghall Khurd under section 379, 447 IPC was got registered by Pritam Singh father of the complainant against the applicant and his minor son Akashdeep Singh, which is still under investigation. Applicant/accused is ready to join the investigation. Hence, a prayer has been made for grant of anticipatory bail.

3. Notice of the bail application was given to the State, through learned Additional Public Prosecutor on behalf of the state assisted by Sh. Gurajesh Bajaj Advocate, counsel for complainant

appeared and opposed the bail application on the ground that the allegations against the applicant/accused are serious in nature, since the allegations are there of firing gun shots upon the complainant party by present applicant/accused and others and attribution to the present applicant/accused is that he raised lalkara to fire gun shots and only at his instigation, gun shots were fired. So, he submitted that custodial interrogation of the applicant/accused is required. It is also submitted that other FIRs are also registered against the present applicant/accused. So prayer has been made for dismissal of the bail application.

4. ASI Jaspal Singh No. 893/Fzr, Police Station Ghall Khurd has also appeared alongwith record and suffered a statement that accused has neither filed bail application before Hon'ble Punjab & Haryana High Court, Chandigarh, nor the same is pending in any superior court of law. This is the first anticipatory bail application of accused. Four other FIR's i.e. FIR No. 114/2021 under sections 379, 447 IPC, FIR No. 186/2015, under sections 324, 323, 34 IPC, FIR No. 82/2007, under sections 452, 354, 506, 323, 34 IPC and FIR No. 211/2008, under sections 307, 34 IPC and 25/27/54 of Arms Act, have been registered against the applicant/accused at Police Station Ghall Khurd.

5. Heard. I have gone through the entire file. The allegations in the FIR are that on the day of occurrence, when the complainant alongwith his wife had reached Government School of Gram Panchayat Thehtar Kalan, then present applicant/accused alongwith co-accused Randhir Singh alias Dheera and others, who were armed with pistol and rifle came there and started raising lalkara to kill the complainant and on his instigation, gun shots were fired by Randhir Singh and other persons. However, it is averred by the learned counsel for the applicant/accused that this is a no injury case and bullets had not hit any one. Applicant/accused is attributed only lalkara and he is ready to join the investigation. So, at this stage, when without commenting any thing on merits of the case, I deem it fit to direct the applicant/accused to appear before the investigating officer/SHO within six days and join the investigation and on his doing so, he be released on interim bail. The applicant/ accused shall comply with Section 438 (2) of Cr.P.C.

6. Now to come up on 31.05.2022 for further proceedings and consideration. Anything stated in this order shall have no bearing on the merits of the case in any manner.

Sd/-

Pronounced in open Court.
Dated: 25.05.2022

Pritpal Singh
Stenographer Gr. II

(Hardip Singh)
Additional Sessions Judge,
Ferozepur.
UID No.PB0638