

In the Court of Sh. Virinder Aggarwal

Sessions Judge, Barnala.

(Unique Identification No.PB0045)

CNR No.PBBR01-002187-2019

CIS No.BA-1100-2019

Date of Decision.....09.09.2019

Vakil aged about 53 years, son of Nandi resident of Rahi Basti, Barnala, now confined in District Jail, Barnala.

....accused/applicant

Vs.

State of Punjab

Application for regular bail

Present: Sh.RS Khalsa Advocate, counsel for the applicant/accused.
Sh. Jagjit Singh Additional Public Prosecutor for the state.

Order:-

The accused/applicant has filed this regular bail application under Section 439 Cr.PC on the allegations that he is in custody since 12.05.2019. he is innocent and has not committed any offence and his name does not figure in FIR. No particular injury has been attributed to applicant/accused and no weapon has been attributed to applicant/accused. Similar, co-accused has already been released on bail vide order dated 26.08.2019 by this court. So he be also released on bail.

2. Notice served upon State and Sh.Jagjit Singh Additional Public Prosecutor has put up appearance behalf of State. Record received.

3. I have heard the arguments and gone through the file carefully. As per the final report submitted under Section 173 Cr.PC, the case against applicant/accused was registered on the statement of Pappu Ram son of Dalip Chand resident of Rahi Basti, Barnala and in that statement Pappu Ram has leveled allegations against Azad and Baldev along with 4-5 unidentified persons. As per the initial FIR on 06.05.2019 at about 09:50 pm Azad son of Mangal resident of Rahi Basti was hurling abuses in front of their gate and Surinder Kumar and Ravinder Kumar tried to prevent him. In the meantime 4-5 persons more came there and started throwing bricks and stones. Ravinder Kumar suffered brick blow in the head and his son also suffered brick blow in the head. Iron rod blow was given in the head of Ravinder Kumar and iron rod blows were given in the head of Ravinder Kumar and Surinder Kumar by Baldev son of Munchi resident of Rahi Basti. Later on Ravinder Kumar died. Name of the applicant Vakil does not appear in FIR. Ld. APP for the state submitted that name of Vakil first time cropped up in the statement of Anil Kumar recorded under section 175 of Cr.P.C on 09.05.2019. He has made statement that deceased and injured Surinder Kumar were given injuries on their persons by Azad, Baldev, Vijay, Raja, Pappu, Gulshan, Vicky and Vakil and caused injury by him brickbats and stones and inflicted Iron rod blow. Ravinder

Kumar died during treatment and applicant was errayed as accused after the statement of Surinder Kumar was recorded on 11.05.2019. In that statement he has levelled allegations against Azad and Baldev that they inflicted injuries in his head and in the head of Ravinder Kumar by Iron Rod and remaining accused including applicant/ accused Vakil started hurling brickbats and stones towards them. In this case challan has already been presented. No specific injury has been attributed to applicant/accused and name of applicant does not figure in the initial statement of complainant and the complainant in intitial statement has named Azad along with four -fives more persons and later on his supplementary was recorded on the same date where he made statement agaisnt Azad and Baldev and has also stated that 5-6 un-identified persons and other ladies were raising lalkara that how they dare to stop them from hurling abuses and the street is not of your father and they would continue hurling abuses and anybody who would dare to stop them, they would kill him. Even the applicant Pappu Ram is resident of Rahi Basti and applicant/ accused is also resident of Rahi Basti but has not named the applicant. Even injured Surinder Kumar has not attributed to any specific injury to Vakil. The accused Rani against whom similar allegations were also there, was released on bail vide order dated 26.08.2019. Now considering the facts that the applicant/accused is in custody since 12.05.2019 and applicant/accused has not been named in FIR and trial has not commenced. No specific injury is attributed to applicant/accused and co-accused has already been granted on bail vide order dated 26.08.2019. So, this bail application is allowed. Accordingly, accused/applicant is ordered to be released on bail, on his furnishing bail bonds and surety bonds to the satisfaction of Ilaqa Magistrate/Duty Magistrate and also subject to furnishing complete details of his Pan Card, Adhar Card, Bank Account and complete residential address. The papers of the bail application is ordered to be attached with the main file.

Pronounced:

(Virinder Aggarwal)
Sessions Judge, Barnala
(UID PB0045)

Date of order:09.09.2019

Manpreet Kaur (Stenographer-III)