

**IN THE COURT OF MS. RANA KANWARDEEP KAUR CHAHAL,
ADDITIONAL SESSIONS JUDGE, KAPURTHALA (UID
NO.PB00223)**

CNR No. PBKP010000132024



Case No. BA/11/2024

Presented on : 02-01-2024

Registered on : 03-01-2024

Decided on : 16-01-2024

Sukhvir Singh, s/o Gurnam Singh, aged about 33 years, r/o Randhawa Barota, PS Bullowal, District Hoshiarpur.

....Applicant/accused

Versus

State of Punjab.

.....Respondent

FIR No.175 of 13.07.2023
U/s 160, 302, 303, 323, 324, 325, 326, 332, 186,
353, 148, 149, 120-B IPC and Section 42 Prison Act
Police Station Kotwali, District Kapurthala.

Application for bail under Section 439 Cr.P.C.

Present: Shri Hamish Kumar Advocate for applicant/accused
Me. Aarti Mehta, Addl. PP for the State.
ASI Amarjit Singh, No.1239/Kpt., PS Kotwali Kapurthala.

ORDER:-

1. The above named applicant/accused has filed this bail application under Section 439 Cr.P.C in a case bearing FIR No.175 of 13.07.2023, U/s 160, 302, 303, 323, 324, 325, 326, 332, 186, 353, 148, 149, 120-B IPC and Section 42 Prison Act, registered at Police Station Kotwali, District Kapurthala.

Rana Kanwardeep Kaur Chahal,
ASJ/Kapurthala.
Dated 16.01.2024

2. Upon notice, Ms. Aarti Mehta, Additional Public Prosecutor appeared on behalf of State.

ARGUMENTS BY LD. COUNSEL FOR APPLICANT/ACCUSED:-

3. The learned Counsel for the applicant/accused has submitted that the applicant/accused is quite innocent and has committed no offence. He has further submitted that the applicant/accused is in judicial custody since long and is no more required by the police for any further investigation. He was not named in the FIR. Challan has already been presented in the present. He has been implicated on the basis of CCTV footage, however, he was never present at the spot. There is no direct or indirect evidence against the applicant/ accused. Moreover, applicant/accused undertakes to abide by the conditions to be imposed by the Court while granting him bail and prayed that his bail application be allowed.

ARGUMENTS BY LD. ADDL. PUBLIC PROSECUTOR:-

4. On the other hand, the learned Addl. P.P for the State has vehemently argued that as allegations against the applicant/accused are grave in nature. The offence attributed to the applicant/accused is very serious. He was rightly nominated in the present case. If applicant/accused is released at this stage, he may abscond or tamper with prosecution evidence or may influence the prosecution witness. Accordingly, a prayer is made for dismissal of the bail application.

5. Today, ASI Amarjit Singh has appeared and suffered a statement that as per record, no bail application under provisions of section 438 Cr.P.C. or 439 Cr.P.C. has been filed before the Hon'ble High Court or decided by it or by any other Superior Court against the present applicant/ accused in the present case. The challan has already been presented in the court.

6. **I have heard the learned counsel for applicant/accused and learned Addl.PP for the State and have also gone through the record.**

7. Record received and taken up for the disposal of present bail application. Perusal of record shows that the present case has been registered at the instance of complainant Hemant Sharma Asst. Supdt., Central Jail Kapurthala. It was alleged that on 13.07.2023 at about 07.30 AM, he received information from Jail Control Room by Duty Warder Puran Singh that prisoners of barrack Nos.6, 7 and 8, in connivance with each other and due to some earlier grudge, had inflicted injuries on the person of Simaranjit Singh @ Simar with some sharp edged weapon. It was also alleged that said prisoners also inflicted injuries on the persons of other inmates as well, who tried to save Simaranjit Singh @ Simar. Thereafter, said Simaranjit Singh @ Simar died during his treatment. Accordingly, the present FIR was registered against 22 persons including the present applicant/ accused. During investigation, other accused were also nominated in the present case.

8. So taking into consideration the facts and circumstances, as discussed above, nature of allegations and gravity of the offences, the applicant/accused does not deserve the concession of bail. Hence, bail application filed by the applicant/accused is hereby **dismissed**. However, any observation made above while disposing off this bail application shall not be considered an opinion of the undersigned on the merits of the case. Record, if any, be returned accordingly. This bail application file be consigned to the judicial record room.

Pronounced on:
Dated:16.01.2024

Kaushal

(Rana Kanwardeep Kaur Chahal)
Addl. Sessions Judge,Kapurthala
(UID No. PB00223)

Rana Kanwardeep Kaur Chahal,
ASJ/Kapurthala.
Dated 16.01.2024

CIS No.	BA/11/2024
CNR No.	PBKP010000132024

Present: Shri Hamish Kumar Advocate for applicant/accused
Me. Aarti Mehta, Addl. PP for the State.
ASI Amarjit Singh, No.1239/Kpt., PS Kotwali Kapurthala.

Statement of ASI Amarjit Singh has been recorded.

Arguments heard. Vide my separate detailed order of even
date, the bail application filed by applicant/accused has been dismissed.
Record, if any, be returned accordingly. This bail application file be
consigned to the judicial record room.

Pronounced on:
Dated:16.01.2024
Kaushal

(Rana Kanwardeep Kaur Chahal)
Addl. Sessions Judge,Kapurthala
(UID No. PB00223)

Rana Kanwardeep Kaur Chahal,
ASJ/Kapurthala.
Dated 16.01.2024