

**In the Court of Shri Manjinder Singh,
Additional Sessions Judge, Sangrur.
UID No. PB0064.**

PBSG010028962023



BA/1055/2023.

Presented on : 29-03-2023

Registered on : 31-03-2023

Decided on : 05-04-2023

Duration : 0 years, 0 months, 7 days

Gagandeep Singh aged 33 years, son of Harjeet Singh, resident of village Dhandoli Kalan, Dirba, District Sangrur. (Now lodged in District Jail Sangrur).

...Applicant/accused.

Versus

State

FIR No. 131 of 26.10.2022.

Offence under Sections 307,323,341,427,506,148,149

IPC and section 25/27/54/59 Arms Act.

Police Station Dirba.

Application under Section 439 Cr.P.C.

Present: Shri Saurav Garg, Advocate, counsel for applicant/ accused
Shri R. S. Kauldhar, Additional Public Prosecutor for State.

ORDER:

1. This order will dispose off bail application filed by applicant/accused Gagandeep Singh son of Harjeet Singh under Section 439 Cr.P.C. for releasing him on bail in this case bearing FIR No. 131 dated 26.10.2022 under Sections 307,323,341,427,506,148,149 IPC and

Manjinder Singh
Additional Sessions Judge,
Sangrur. 05.04.2023.

section 25/27/54/59 Arms Act, Police Station Dirba.

2. Upon notice, this application was contested by learned Addl.P.P for the State.

3. I have heard learned counsel for the accused/applicant, learned Addl.P.P. for the State and have gone through the file very carefully with their able assistance.

4. Learned counsel for the applicant/accused has argued that accused/applicant has been falsely implicated in the present case. Accused is in custody since 25.01.2023. Co-accused namely Harjeet Singh has already been granted regular bail by the Hon'ble Punjab & Haryana High Court. It will take sufficient time for the presentation of challan and for completion of trial. No useful purpose will be served by detaining the accused indefinitely in the judicial custody except burden on the State Exchequer. Hence, it is prayed that applicant/accused may kindly be released on bail.

5. On the other hand learned Additional Public Prosecutor pleaded that offence attributed to applicant/accused is very serious in nature and no leniency is required in such like matters. Hence, prayed for dismissal of the application.

6. From perusal of the judicial file, this Court finds that this case was registered on the statement of complainant Resham Singh son of Harpal Singh. In his statement he has stated that he is resident of village

Dhandoli Kalan and agriculturist by profession. On 25.10.2022 at 8:00 PM they namely Jagdeep Singh alias Dipi son of Amrik Singh, Darshan Singh son of Bant Singh, Bittu Singh son of Ajaib Singh residents of Dhandoli Kalan on their vehicle have come to the house of Pargat Singh son of Krishan Singh. He was sitting in the car of Darshan Singh bearing No. PB-19H-9325 make Innova and Pargat Singh son of Krishan Singh was in the car of Jagdeep Singh alias Dipi bearing No. HR-36Q-7799 make Verna. When they turned their cars towards the street leading to the house of Pargat Singh, then in the street, the neighbourer of Pargat Singh namely Harjit Singh son of Rajinder Singh alias Vakeel was standing and alongwith him the person from their village namely Harjit Singh son of Joginder Singh, Gagandeep Singh alias Gogi son of Harjit Singh, Teji son of Gurjit Singh residents of village Dhandoli Kalan P.S. Dirba and Puppy son of unknown resident of Dirba alongwith 4/5 unidentified persons were standing who were armed with dangs, gandasas and other weapons. When they stopped their car near the house of Pargat Singh son of Krishan Singh, Harjit Singh son of Rajinder Singh raised a lalkara to caught them and to teach them a lesson for entangling with them. These persons encircled them, when the complainant came outside from the car, Harjit Singh son of Rajinder Singh alias Vakeel inflicted a gandasa blow on him which hit on the left side of his head. Then Harjit Singh son of Joginder Singh inflicted an iron rod blow on him which hit on his right

shoulder. Due to which he fell down on the ground. Thereafter all these persons damaged their cars extremely. When he tried to turn up then Puppy son of unknown person inflicted a dang blow on him which hit on the right side of his head. Thereafter Gagandeep Singh alias Gaggi son of Harjit Singh resident of Dhandoli Kalan with an intention to kill him fired two shots from his revolver on him which just crossed near to his head and he also fired two shots in air. They raised a raula marta-marta and many people started gathering there. On seeing the persons gathering there, accused ran away from the spot with their respective weapons. The motive for the occurrence is that on 25.10.2022 in the day an altercation took place between them regarding a tractor and due to which they caused injuries to them. On the basis of which present FIR was registered against the accused/applicant and others. Offence attributed to accused/applicant is very serious in nature. No leniency is required in such like matters. Accused/applicant being member of an unlawful assembly armed with deadly weapons committed the offence of rioting and accused party also fired on the complainant with an intention to kill him. It is by luck that the complainant had escaped from there otherwise by the gun fired by the accused/applicant, complainant could have died. The case is at initial stages. Challan is yet to be submitted in the Court. If granted concession of bail, then in all probability accused will try to influence/threaten the prosecution witnesses which is not mandate of law. Moreover,

accused/applicant is a habitual offender. As many as seventeen other cases were registered against the accused/applicant at different Police Stations. Keeping in view the gravity of the offence and conduct of the accused, I do not deem it a fit case to grant concession of bail to accused/applicant Gagandeep Singh. Accordingly, bail application filed by accused/applicant Gagandeep Singh son of Harjeet Singh is hereby dismissed being devoid of any merits. Bail application file be consigned to record room. Police record be returned immediately.

Pronounced

Dated:-05.04.2023.

(Manjinder Singh),
Additional Sessions Judge,
Sangrur.

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shama, Stenographer Gr.-I

directly dictated on computer.

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