

**IN THE COURT OF POOJA ANDOTRA,
ADDITIONAL SESSIONS JUDGE, TARN TARAN.
(UID Number PB0218)**

PBTT010021432025



Presented on : 07-04-2025

Registered on : 08-04-2025

Decided on : 19.04.2025

Case Type	BA
Filing Number	1828/2025 dated 07.04.2025
Registration Number	1054/2025 dated 08.04.2025
CNR Number	PBTT0100-2143-2025
Date of Decision	19.04.2025

Jagjit Singh alias Jaggu, aged 30 years, son of Balwinder Singh alias Binder, resident of village Kallah, Tehsil Khadur Sahib, District Tarn Taran.

---Applicant/accused

Versus

State of Punjab

---Respondent

FIR No.110 dated 28.02.2025
Under Section 109,221,132,262,263,324 (4), 324 (5), 190,191 (3) of BNS
and 25,27 of Arms Act
Police Station Goindwal Sahib

BAIL APPLICATION UNDER SECTION 482 B.N.N.S.

Present: Shri Ravinder Singh Khaira, counsel for applicant/accused
Shri Harmanjot Singh, Additional Public Prosecutor for State

ORDER

The above named accused has filed this application for the grant of anticipatory bail under Section 482 of Bharatiya Nagrik Suraksha

Sanhita, 2023 (hereinafter referred to as B.N.N.S.), in the afore referred F.I.R.

2. Notice of the bail application was given to the State. Learned Additional Public Prosecutor for the State has opposed the bail application. Police record has been requisitioned.

3. Ahlmad has reported that no previous bail application has been filed or decided by any Court qua this accused in this FIR. Investigating Officer has also stated that accused has not been declared as proclaimed offender in this case.

4. The present FIR has been registered on the statement of complainant **ASI Surjit Singh** to the effect that on 28.02.2025, he alongwith his police team had gone for the search of nominated accused Jobanjit Sungh @ Raja @ Giani in the present case as per the instructions of Senior Officials and when he reached at village Kallah then at about 6 a.m., one clean shaven young person was found standing outside the house of accused Jobanjit Singh, who on seeing the police party tried to escape, but was nabbed by the complainant with the help of fellow officials. On asking, he disclosed his name as Jobanjit Singh @ Raja @ Giani and started shouting loudly. On hearing that, some males and females came out from the house and started shouting as well as scuffling with the police team with intention to get released accused Jobanjit Singh @ Raja @ Giani from the police officials. Due to said situation, complainant sent accused Jobanjit Singh in the government vehicle with ASI Sukhwinder Singh, ASI Jagjit Singh, Constable Magal Singh and driver constable Charanjit Singh. After that, he alongwith ASI Baljinder

Singh in his private I-20 car bearing number PB46 AH 8849 tried to leave the spot but the aforesaid family members of accused Jobanjit Singh @ Raja @ Giani started pelting pieces of broken bricks upon them and their car. Out of them, one person fired a shot towards them which crossed over their car. Complainant took out government weapon and fired a shot in the air in order to deter the crowd. Persons who were the part of crowd and attacked upon them were **Jagjit Singh @ Jaggu**, **Jasbir Singh @ Lalla** sons of Balwinder Singh, **Balwinder Singh** son of Ajaib Singh, **Arshdeep Singh @ Arsh** son of Sabu Singh, **Kanwaljit Kaur** wife of Jagjit Singh, **Amarjit Kaur** wife of Sabu Singh, all residents of Kalla and two three unknown persons. All these persons attacked upon them with the intention to kill and obstruct them from discharging their official duties. They also caused damaged to his private car.

5. Learned counsel for the applicant/accused argued that applicant/accused has been falsely implicated in the present case. He is an innocent person and has not committed any offence as alleged in the FIR. Rather, it was the police party who opened gun fires and out of that one fire hit in the chest of above said applicant and he was mere eye witness of the said occurrence, So, police intentionally and deliberately created the false story. Applicant/accused is ready to join the investigation as and when required by this Court. Prayer was made for granting the concession of anticipatory bail.

6. On the other hand, learned Additional Public Prosecutor for the State has opposed the bail application and argued that version of the prosecution is very much plausible. Custodial interrogation of the accused is required. Dismissal of the application has been prayed.

7. In **Gurbaksh Singh Sibbia v. State of Punjab, (SC)**: Law Finder Doc Id # 104574 reported in 1980 AIR(SC) 1632, **Sushila Aggarwal and others Petitioners Versus State (NCT of Delhi) and another-Respondents**: Law Finder Doc ID # reported in 2020 AIR (SC)

831 Honorable Supreme Court of India has pleased to set the guidelines:-

- a) *The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;*
- b) *The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment of conviction by a court in respect of any cognizable offence;*
- c) *The possibility of the applicant to flee from justice;*
- d) *The possibility of the accused's likelihood to repeat similar or other offences;*
- e) *Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her;*
- f) *Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people;*
- g) *The Courts must evaluate the entire available material against the accused very carefully. The Court must also clearly comprehend the exact role of the accused in the case. The cases in which the accused is implicated with the help of Section 34 and 149 of the Indian Penal Code, 1860 the Court should consider with even greater care and caution, because over implication the cases is a matter of common knowledge and concern;*
- h) *While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors, namely, no prejudice should be caused to free, fair and full investigation, and there should be prevention of harassment, humiliation and unjustified detention of the accused;*
- i) *The Court should consider reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;*
- j) *Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the course of events, the accused is entitled to an order of bail.*

8. Scrutinization of the police record shows that there is no personal enmity between the complainant and accused persons. The present FIR has been registered against six persons by name. As per the version of FIR, aforesaid applicant started pelting pieces of broken bricks upon the complainant party and their car. Out of them, one person fired a

shot towards them which crossed over their car. However, as per the police record, no such used cartridge and any pellet have been recovered from the spot. Police record reveals that no injury was caused either to complainant or other team members, by applicant/accused. Rather as per the contention of accused counsel, it was accused/applicant who received injuries from the gun shot of the police team. Evidently as per the allegations so leveled against the applicant/accused, nothing is to be recovered from him. No specific role was attributed to accused/applicant except for the general allegations of attack upon the complainant and his fellow official. By no accounts, custodial interrogation of the applicant/accused is warranted. So, the applicant behind the bars would be a harsh measure and nothing fruitful would emerge from the same

9. Culpability of the applicant/accused is a matter of trial. So, without commenting anything upon the merits of the case and in order to facilitate the fair investigation, applicant/accused is directed to join the investigation before **25.04.2025** and in the event of his arrest being required, he shall be released on interim bail, subject to his furnishing bonds to the satisfaction of Arresting Officer on the following conditions:

1. That the applicant/accused shall appear before the Investigating/Arresting Officer as and when called upon by him.
2. That the applicant/accused shall not leave India without the prior permission of the court.
3. That the applicant/accused shall not directly or indirectly make any inducement, threat or promise, to any person acquainted with the facts of the case, so as to dissuade from disclosing such facts to the court, during trial.

Now to come up on **25.04.2025** for awaiting report from the police station as to whether the applicant/accused has joined the investigation or not. In case of violation of any of the conditions so

imposed upon the accused-applicant, the investigating officer will be at liberty to file an appropriate application seeking cancellation of the bail granted to the applicant through the present order. Further, in case of breach of any of the conditions so imposed through the present order by the accused/applicant, the trial Court will be at liberty to cancel the bail order of the accused. It is further clarified that in case any recovery is effected from the possession of the accused, for the purpose of section 27 of the Indian Evidence Act, 1872, he shall be deemed to be in custody at the time of recovery. However, it is made clear that observation made herein above shall not be construed as an expression on the merits of the main case.

Announced: 19.04.2025

**Pooja Andotra,
Additional Sessions Judge,
Tarn Taran.
UID Number PB0218**

Lovepreet Stenographer Grade-II