

**IN THE COURT OF JASWINDER SINGH
ADDITIONAL SESSIONS JUDGE, GURDASPUR**

**Bail Appl. No. 250/31.03.2021
CIS No.BA/1052/2021
CNR No. PBGD01-002335-2021
Date of Order: 06/04/2021**

Kuldeep Singh alias Lali son of Ajit Singh, resident of Amritsary
bypass road, Indane Gas Agency, Batala, District Gurdaspur.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

FIR No. 218 Dated 01/09/2020
U/Ss 336, 427, 34 IPC and
U/Ss 25 and 27 of Arms Act
Police Station Shri Hargobindpur.

1st Anticipatory bail application under Section 438 Cr.P.C.

Present: Sh. Parun Bhagowalia, Advocate, counsel for petitioner.
Shri B. K. Sharma, Additional P. P. for State.

ORDER

1. This is an application under Section 438 of Cr.P.C. filed
by the petitioner seeking anticipatory bail for the alleged commission
of offences as mentioned above.

2. Upon notice learned Additional P. P. put in appearance
on behalf of respondent-State and contested the bail application.
Police record was also requisitioned.

3. Present case was registered on the statement of Lovepreet
Singh with the allegations that he is an agriculturist and also runs
daily finance. They are three brothers and they all reside in one

house alongwith their families. On the night of 31/08/2020, he alongwith his family members was sleeping and his Bolero bearing No.PB-35R-4300 of white colour was parked in the courtyard. His courtyard has no boundary wall and his house is situated on the road. At about 10.45 PM, three unknown persons came on pulsor motorcycle and fired gun shots on his Bolero and ran away from the spot. They came out and saw that empty cartridges were scatted in the courtyard.

Thereafter, Dharminder Singh @ Meeta was arrested in case FIR No.257 dated 04/09/2020, under sections 394, 34 IPC and under section 25 of Arms Act, Police Station Dinanagar and during interrogation on 16/09/2020, he made disclosure statement that on 31/08/2020, at about 10.45 PM, he alongwith Tajinder Singh and Sunny had fired gun shots in front of the house of complainant Lovepreet Singh which also hit on the Bolero car parked in the house. At that time they were having .315 Bore rifle belonging to Kuldeep Singh alias Lali(petitioner). On the basis of above statement, present petitioner was arrayed as accused in this FIR.

4. It is submitted by learned counsel for petitioner that petitioner is innocent and has been falsely implicated in this case. Petitioner is not named in the FIR. He has been arrayed as accused in this FIR on the basis of disclosure statement. In fact, no such occurrence ever took place. Moreover, it is a no injury case and no

specific role has been attributed to petitioner. Petitioner is ready to join investigation and to cooperate in the same, so till the disposal of present bail application, he may be admitted to interim bail.

5. On the other hand, it is submitted by learned Addl. P. P. that the allegations contained in the FIR are serious in nature. The custodial interrogation of petitioner is required for further investigation of the present FIR, as such, present bail application may be dismissed.

6. I have considered rival contentions of learned counsel for petitioner as well as of learned Additional Public Prosecutor and also perused the record.

7. Petitioner is not named in the FIR. He has been arrayed in this FIR on the basis of alleged confessional statement of co-accused recorded in another FIR No.257 dated 04/09/2020, under sections 394, 34 IPC and under section 25 of Arms Act, Police Station Dinanagar. The evidenciary value of above disclosure statement is to be seen at the time of trial of present FIR. Petitioner is ready to join investigation. Keeping in view above facts and circumstances, petitioner is directed to join investigation on 12/04/2021 at 10:00 AM. In the event of his arrest, he will be admitted to interim bail on furnishing bonds to the satisfaction of Investigating/Arresting Officer and subject to the fulfillment of the provisions of Section 438 (2) Cr.P.C. The Investigating Officer is

further directed to join the petitioner in investigation by maintaining the social distancing and by following all the instructions issued by the government for prevention of Corona virus/Covid-19. Now police record be produced on 15/04/2021 for arguments.

Pronounced in open court.
Dt: 06/04/2021
Rajiv Sharma, Stenographer-I

(Jaswinder Singh)
Addl. Sessions Judge,
Gurdaspur.UID No.PB0516

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Kuldeep Singh Vs State

Present: Sh. Parun Bhagowalia, Advocate, counsel for petitioner.
Shri B. K. Sharma, Additional P. P. for State.

Police record perused. Arguments heard. Vide my separate detailed order of even date, petitioner has been granted interim bail as per the conditions referred therein. Now police record be produced on **15/04/2021** for arguments.

Pronounced in open court.
Dt: 06/04/2021
Rajiv Sharma, Stenographer-I

(Jaswinder Singh)
Addl.Sessions Judge,
Gurdaspur.UID No.PB0516