

***IN THE COURT OF SH.AMAR JEET SINGH
ADDITIONAL SESSIONS JUDGE
UID NO.PB0444
FATEHGARH SAHIB.***

***Bail Application No:1036 of 2019
CNRNo:PBFG010036332019
Decided on:04.10.2019***

- 1- Hardeep Singh aged about 30 years, son of Sarja Singh, resident of Village Damheri, Tehsil Bassi Pathana, District Fatehgarh Sahib.
- 2- Gagandeep Singh aged about 26 years, son of Avtar Singh, resident of Village Dholewal, Tehsil Khmano, District Fatehgarh Sahib.
- 3- Beant Singh aged about 33 years, son of Didar Singh, resident of Village Damheri, Tehsil Bassi Pathana, District Fatehgarh Sahib.
- 4- Harjinder Singh aged about 35 years, son of Balwant Singh, resident of Village Damheri, Tehsil Bassi Pathana, District Fatehgarh Sahib.
- 5- Gurpreet Singh aged about 49 years, son of Gurcharan Singh, resident of Village Damheri, Tehsil Bassi Pathana, District Fatehgarh Sahib.
- 6- Jagtar Singh aged about 60 years, son of Fateh Singh, resident of Village Damheri, Tehsil Bassi Pathana, District Fatehgarh Sahib.

..... Applicants

V E R S U S

State of Punjab

... Respondent

A N D

***Bail Application No:1037 of 2019
CNRNo:PBFG010036342019
Decided on:04.10.2019***

- 1- Gagandeep Singh aged about 32 years son of Major Singh, resident of

Village Damheri, Tehsil Bassi Pathana, District Fatehgarh Sahib.

..... Applicant

V E R S U S

State of Punjab

... Respondent

*FIR No. 35 dated 03.07.2019
Under Sections 323, 341, 506, 148, 149
IPC & DDR No. 2 dated 05.07.2019 under
Section 323, 341, 324, 342, 506/148, 149
IPC & Section 365, 379B IPC added lateron
PS Kheri Nodh Singh*

Present: Sh. N.S.Toor Advocate for the applicants Hardeep Singh etc.
Sh.Gagandeep Singh Virk Advocate for applicant Gagandeep
Singh
Sh.Harminder Singh Addl. PP for the State

ORDER

1. This order of mine shall dispose of two regular bail applications filed by the applicants in FIR No. 35 dated 03.07.2019 Under Sections 323, 341, 506, 148, 149 IPC & DDR No. 2 dated 05.07.2019 under Section 323, 341, 324, 342, 506/148, 149 IPC & Section 365, 379B IPC added lateron PS Kheri Nodh Singh.
2. Present FIR was registered on the basis of statement of Gurjeet Singh who has stated that he is Sarpanch of his village and on the day of occurrence at about 11:00 am on 03.07.2019, he alongwith his friend Ramandeep Singh were going pedestrian then a car bearing

registration no. PB-10DZ-0759 make Ford Figo suddenly halted in front of them out of which Babaljeet Singh having a small Gandasi, Money Singh having a baseball came out and then another car make Indica came out there out of which Baljot Singh alongwith unknown persons alighted from it then they started giving beatings to them and they grappled with each other. In the mean time, Jagdeep Singh who was known to the complainant came on a Bullet motorcycle alongwith his friend to rescue them. Baljot Singh had given a baseball blow to Jagdeep Singh and baseball was snatched from Baljot Singh by the complainant. Due to the scuffle, they received inner injuries. On seeing 2-3 motorcycles, the said Baljot Singh, Money Singh and two unknown persons fled in Indica car towards Bassi Pathana. When Babaljeet Singh tried to flee in his Figo car, he was apprehended. Then they were taking Babaljeet Singh alongwith his car to Police Station Kheri Nodh Singh and on the way when they reached in the market of Kheri Nodh Singh, Babaljeet Singh tried to flee by opening the left door of the car due to which he fell down and received some abrasion on his knees and elbows. Then Babaljeet Singh was brought at PS Kheri Nodh Singh then he alongwith Ramanpreet Singh were got admitted at Civil Hospital Khamanon. The motive as alleged by complainant was that there was dispute regarding water outlets between Ramanpreet and uncle of Babaljeet Singh and matter was

also presented before the Panchayat. Complainant being Sarpanch had made them understand but they did not stop the water outlets. Rajinder Singh had also lost the Sarpanch elections due to which they were having grudge. Hence, the present FIR.

3. On the other hand, a Statement was also got recorded by Babaljeet Singh which was entered in DDR at No.2 dated 05.07.2019 in which he has alleged that on 03.07.2019 he had come to his village and his uncle Rajinder Singh had asked him that he has to visit Fatehgarh Sahib and asked him to bring his clothes and Rs.20,000/- which were to be handed over to him at about 01:15 p.m. He was going in his Figo car bearing no. PB-10DZ-0759 and when he reached near minor Khalspur in the area of village Jarkhelan Kheri where Sarpanch Gurjeet Singh present applicant was sitting in his Swift car bearing no. PB-3FB-2670 and Gagandeep Singh, Beant Singh, Gagan Singh were standing outside the car and then suddenly Gurjeet Singh parked his car in front of the car of Babaljeet Singh and he was brought out of the car and given beatings. Then another car make Dzire bearing no. PB-23-2477 came out of which Ramanpreet Singh alongwith four unknown persons came. Then, he was made to sit in Swift car of Sarpanch and was taken to the motor of Gurjeet Singh Sarpanch where he was given beatings. Manga @ Beant Singh caught hold of his hair, Ramanpreet Singh untied his Parna and throttled him with the

same. Jinder Singh, Jagtar Singh, Gurpreet Singh, Akashdeep Singh who were there also given him stick blows. Gurjeet Singh sarpanch gave a Kirch blow near his left arm, Manna gave a Gandasi blow on his left knee. A videography was also made by some unknown persons. Then Gurjeet Singh forcibly got unlocked his mobile phone and then Gurjeet Singh, Manga @ Beant Singh, Ramanpreet Singh, Jagtar Singh got deleted the video which was made of cutting the angles and water outlets and Gurjeet Singh snatched his mobile and Rs.20,000/- alongwith Gold chain. Then he was made to sit in Swift car for taking him to police Station Kheri. Then, they reached near Medical Store of Kheri Nodh Singh and when the car was about to turn he jumped out of the car after unbolting the door of the car where he was again given beatings. They tried to make him sit in the car then he ran in the Medical store of Sukhdev Singh then Sukhdev Singh called the police then he was taken to Police Station Kheri Nodh Singh. Accused also parked his Ford Figo car near PS Kheri. He was brought in the police station and Gurjeet Singh handed over the key of Figo car to MHC Sukhwinder Singh. MHC also threatened him to teach lesson. Then his parents and relatives reached who requested that he should be medically treated and then his uncle Rajinder Singh got him admitted at Civil Hospital Bassi Pathana from which he was referred to Civil Hospital Fatehgarh Sahib and on 03.07.2019, he was

referred to Rajindra Hospital, Patiala. Hence the cross DDR was lodged.

4. Ld. Addl.PP for the State assisted by counsel for the complainant Sh.Amandeep Bawa has argued that till date no recovery has been effected. There is ample apprehension that if present applicants are released on bail they will hamper the investigation and might repeat the offence. Moreover, SSP has approved the inquiry conducted in which version of complainant Gurjit Singh has been found to be false. They do not deserve bail as there are serious allegations against the present applicants.
5. Ex facie, counsel for the applicants have argued that false case has been planted against the present applicants. All the injuries are superficial in nature. Exaggerated version has been given by cross complainant Babaljeet Singh who corroborates the version of complainant Gurjeet Singh. The present case is registered on the basis of political rivalry. Moreover, the said cross version is an after thought and the DDR was lodged after the delay of 2 days when FIR was already got registered by complainant Gurjeet Singh who was Sarpanch of village. Applicants are already in custody since 20.09.2019. Nothing is to be recovered from them. Investigation of this case will take long time. There are no specific attributions against the present applicants and only general allegations of causing injuries

have been mentioned by Babaljit Singh in the DDR recorded by him.

6. I have gone through the record of the case as well as investigation conducted till date.
7. Admittedly, the FIR was got registered on 03.07.2019 by Gurjeet Singh in which he has stated about the occurrence and injuries on the persons of complainant and accused Babaljeet Singh have been explained. Further, it is mentioned in the FIR that said accused Babaljeet Singh was brought in Police Station Kheri Nodh Singh alongwith his car and said Babaljeet Singh while making his statement on which cross DDR was lodged has also stated that he was brought at Police Station Kheri Nodh Singh. Since, FIR was earlier lodged on 03.07.2019 on the statement of Gurjit Singh and as per inquiry till date the version of Gurjit Singh complainant has found to be false but prosecution has failed to explain the injuries sustained by Gurjit Singh party. Further, accused Babaljeet Singh was also brought in the Police Station. Further, as per injuries mentioned in MLR, majority of injuries are complaint of pain and as per version of Babaljeet Singh as many as 16 accused have been nominated by him and there is only one injury attributed to Gurjeet Singh of Kirch. Had 16 people attacked Babaljeet Singh who were armed with weapons then the injuries on the person of Babaljeet Singh should have been more severe. Also the said DDR was lodged after two days of

registration of present FIR and delay has not been explained by cross complainant Babaljit Singh. It is a cross version case which is yet to be established as to who was the aggressor party. So, considering the circumstances of the case, accused are in custody since 20.09.2019. They are no more required for any further investigation. Investigation of this case will take long time. No purpose would be served by keeping them behind bars. So, without commenting on the merits of the case, the present bail applications are allowed. Applicants are directed to furnish bail bonds in the sum of Rs.50,000/- with one surety in a like amount before Illaqa/Duty/trial Magistrate. Police record be returned. Copy of this order be placed in connected bail application. Bail papers be consigned to the record room(J) Fatehgarh Sahib.

***Announced in open Court/
Dated:04.10.2019***

***(Amar Jeet Singh)
UID No: PB0444
Additional Sessions Judge
Fatehgarh Sahib***