

**IN THE COURT OF MS.LUKHVINDER KAUR DUGGAL,
ADDITIONAL SESSIONS JUDGE, PATIALA.**

*BA No.1026 of 2024.
CNR No.PBPT01-003548-2024.
Decided on 10.4.2024.*

**Sukhwinder Singh s/o Karnail Singh, r/o village Badshahpur Kaleki,
PS Sadar, Samana, District Patiala.**

.....Applicant-Accused.

Versus

State of Punjab.

....Respondents.

**FIR No.285 dated 26.12.2022.
Under Section 323/324/326/506/34 IPC.
Police Station: Sadar Samana.**

First application for grant of bail u/s 439 CrPC.

Present: Ms.Reetika Shukla, Advocate for the applicant-accused,
namely, Sukhwinder Singh,
Sh.Puneet Khanna, learned APP for the State,
Sh.D.S.Bhinder, Advocate for the complainant.

ORDER

1. This order of mine shall dispose of regular bail application filed by the applicant/accused under section 439 of Criminal Procedure Code, in the case mentioned above.

2. Notice of the bail application was issued to the State and accordingly, learned APP, Sh.Puneet Khanna, appeared on behalf of the State.

3. The concerned Ahlmad has reported that as per CIS system no bail application of the applicant regarding the present FIR is pending before the Hon'ble High Court, nor any bail application regarding this applicant has

been decided by this Court. On 8.4.2024 ASI Nirmal Singh has produced the record of investigation and suffered statement that no regular bail application of the applicant regarding the present FIR is pending before the Hon'ble High Court, nor any bail application regarding this applicant has been decided by this Court in the present FIR.

4. The brief case of the prosecution case are that the present case was registered against the applicant and others on the statement of the complainant, namely, Balwinder Singh. He stated that he is an agriculturist. On 23.12.2022 at about 12 noon Subeg Singh, Gurdeep Singh, Sukhwinder Singh (applicant) and Paramjeet Kaur were arguing with his brother Ajaib Singh in front of the house. On hearing the noise he went outside and saw that Gurdeep Singh was armed with sword, Sukhwinder Singh (applicant) was armed with iron fauda, Subeg Singh was armed with gandasi and Paramjeet Kaur was armed with stick. He asked them that why they were arguing with his brother. In the meantime, the Gurdeep Singh gave sword blow towards Ajaib Singh, which hit him on his left arm. He further gave blows on his head and other parts of the body. Then Gurdeep Singh gave sword blow towards him, which hit on his left hand. Sukhwinder Singh (applicant) gave fauda blow on his nose and left arm. Subeg Singh gave the gandasi blows on his right temple and left shoulder. Paramjeet Kaur gave stick blow on his head. The accused persons further caused injuries to them. On hearing the noise, his wife Jaswinder Kaur and sister in law Mandeep Kaur came forward to save them, but the accused persons also gave injuries to them. Thereafter, the accused persons fled away from the spot after giving threats to them. The motive behind the occurrence was that there was dispute with regard to

partition of the land and the house. Due to this grudge, the accused persons caused injuries to them. On the statement of the complainant and after obtaining the MLR, offences under Sections 323/324/506/34 IPC were made out against the accused persons and thereafter, offence under Section 326 IPC was also added. On the basis of the statement of the complaint, present FIR was registered.

5. The learned counsel for the applicant/accused has argued that the accused/applicant is quite innocent and he has been falsely implicated in the present case. She further argued that no case is made out against the accused-applicant. It is argued that the applicant and the complainant are real brothers and there is a dispute between them regarding partition of the property. This is a cross version case and injuries were also inflicted upon the applicant and others by the complainant party. In the present case the applicant is in custody since 2.3.2024 and nothing is to be recovered from him. Presentation of challan and then its disposal will take considerable time and therefore, applicant may be admitted to regular bail.

6. On the other hand, learned APP for the state has strongly opposed the bail application and argued that the applicant alongwith others has committed serious offences and as such, the applicant is not entitled to get concession of bail.

7. I have heard the learned APP for the State and learned counsel for the accused/applicant and have gone through the case file, pending in this Court, minutely.

8. From the perusal of the record it shows that earlier the applicant had filed bail application u/s 438 CrPC before the Hon'ble High

Court. The Hon'ble High Court had referred the matter to Mediation & Conciliation Centre, but the matter could not be settled. Thereafter, the Hon'ble High Court dismissed the bail application filed on behalf of the applicant u/s 438 CrPC.

9. As per story of the FIR, there is specific allegations against the accused/applicant that he alongwith his companions attacked upon the complainant and his other family members and has further given fauda blow on the nose of the complainant, as well as, on his left arm. There are serious allegations leveled against the applicant having been actively participated in the occurrence on the said date and having inflicted multiple injuries on the injured/complainant on account of some dispute between the parties. So, keeping in view the facts and circumstances of the case and without expressing any opinion on the merits of the case, this Court finds that no ground is made out to grant regular bail to the applicant-accused as he has committed serious offences. Accordingly, in view of the gravity and seriousness of the offence, the present bail application stands dismissed. Police record be returned. File be consigned to the record room.

Pronounced in the open
Court on 10.4.2024.

(Lukhvinder Kaur Duggal)
Additional Sessions Judge,
Patiala.
UID No.PB0156

Typed by Brijinder Batish
Stenographer II

** directly dictated.*