

**IN THE COURT OF MS. JATINDER KAUR,
SESSIONS JUDGE, FAZILKA (UID No. PB0062).**

CIS NO. BA/1009/2023.

Date of Instt: 15.05.2023.

CNR No. PBFZC0-002739-2023.

DATE OF ORDER: 17.05.2023.

1. Shinder Pal Singh @ Shindu age 33 years son of Jang Singh,
 2. Kuldeep Singh age 28 years son of Gurcharan Singh,
 3. Bant Singh age 29 years son of Gurcharan Singh,
- all residents of village Shahpura Tehsil & District Fazilka.

----Applicants-accused.

Versus

State of Punjab

-----Respondent

Application for bail u/s 438 (i) Cr.P.C. in FIR no. 07 dated 15.01.2023 under sections 302, 341, 323, 148, 149, 193, 194 IPC, P.S. Arniwala.

Present: Sh. Anil Kumar Setia Advocate counsel for applicants.
Sh. Wazir Kamboj, Addl. P.P. for the State-respondent.

ORDER

This order of mine shall dispose of present bail application U/S 438 (1) Cr.P.C. moved by the above named applicants-accused in the above noted FIR.

2. The brief facts leading to the filing of the present bail application are that the present FIR was got registered on the statement of Baldev Singh son of Balwant Singh resident of village Shahpura P.S. Arniwala District Fazilka stating that he is an agriculturist by profession. A dispute regarding water channel (khal) is going on between him and Chhinder Pal Singh son of Jang Singh etc. since the year 2022, regarding which, a case was filed before Canal Authorities, which was fixed for decision for 17.01.2023. He further stated that on that day (i.e. 15.01.2023)

at about 2.00 pm, he along with his uncle Balvir Singh son of Hardit Singh was going to take care of fields by riding a bi-cycle and when they reached near their fields, Chhinder Pal Singh @ Chhindu son of Jang Singh armed with kuhada, Kuldeep Singh son of Arjan Singh armed with kapa, Bant Singh son of Gurcharan Singh armed with kuhada, Harbans Singh son of Amar Singh armed with iron rod and Pritam Kaur wife of Jang Singh armed with iron rod residents of village Shahpura were standing there. All of them stopped them (complainant and his uncle Balvir Singh) and raised a lalkara to teach them a lesson for filing a case before Canal authorities. Meanwhile, Chhinder Pal Singh @ Chhindu after raising a lalkara gave a kuhada blow hitting forehead of his uncle Balvir Singh, Kuldeep Singh gave a kapa blow from its reverse side hitting upper side of forehead of complainant, Banta Singh gave a kuhada blow from its reverse side hitting Balvir Singh on his head, then Harbans Singh gave iron rod blow hitting left thigh of complainant, then Pritam Kaur gave iron rod blow hitting head of Balvir Singh, whereupon, his uncle Balvir Singh fell on the ground. Complainant raised hue and cry, whereupon, his nephew Pritpal Singh and Chhinder Pal Singh son of Jaipal Singh came at the spot and tried to release them from the clutches of assailants. Meanwhile, Jang Singh son of Amar Singh armed with iron rod, Gurjit Kaur wife of Bant Singh armed with dasta, Paramjit Singh son of Piara Singh armed with dang, Piara Singh son of Jai Singh armed with dasta, Surinder Singh @ Seeti son of Piara Singh armed with dang, Satnam Singh @Kali son of Pritam Singh armed with dang, Mangat Singh @ Mangi son of Mohinder Singh armed with danda along with two un-identified persons armed with dandas, who were already present in the dhani, ran towards the complainant party and Jang Singh gave iron rod blow hitting Pritpal Singh on his right ankle, then Gurjit Kaur gave a dasta blow hitting Pritpal Singh on his right elbow, then Paramjit

Singh gave a dang blow hitting Chhinder Pal Singh in the centre of his head, Piara Singh gave dasta blow hitting Pritpal Singh on his left shoulder. Then his nephew Pritpal Singh and Chhinder Pal Singh fell down on the ground, meanwhile Satnam Singh gave a dang blow hitting left eye of Pritpal Singh, due to which, Pritpal Singh became unconscious. Then Surinder Singh @ Seeti gave a dang blow hitting Chhinder Pal Singh on his left wrist. Chhinder Pal Singh also fell down on the ground and all the assailants kept on causing them injuries. Seeing the gathering of people at the spot, all the assailants along with their respective weapons took to their heels. The injured were being shifted to Civil Hospital, Fazilka, but on the way, Balvir Singh succumbed to the injuries.

On the basis of these allegations, present FIR was registered under sections 302, 341, 323, 148, 149 IPC against 12 assailants including two un-identified persons. Applicants-accused are still at large, hence the present anticipatory bail application has been moved on their behalf.

3. Notice of the bail application was given to the State. Learned Addl. P.P. appeared on behalf of the State and contested the same for the State.

4. This Court has heard the contentions raised by learned counsel for the applicants as well as learned Addl. P.P. for the State and have also perused the record of the case.

5. The learned counsel for the applicants-accused contended that the applicants-accused are innocent and they have been falsely implicated in the present case. He further contended that infact Baldev Singh son of Balwant Singh armed with kapa, Pritam Singh son of Jaipal Singh armed with dang and Balvir Singh son of Hardit Singh armed with soti came into the fields of Harbans Singh son of Amar Singh and caused them injuries

and by inflicting false injuries, a false FIR has been got registered against the applicant and others. Only one injury i.e. on the right wrist of Pritpal Singh with iron rod, has been attributed to applicant, which is simple in nature and non-vital part of body of alleged injured Pritpal Singh. As per facts of FIR, it is a cross-version case and it is yet to be ascertained as to which party is aggressor. He further contended that during investigation, 07 accused have been found innocent. The applicants-accused are ready to join the investigation and also cooperate with the investigating agency, so their custodial interrogation is not required and prayer was made for acceptance of the present anticipatory bail application.

Whereas on the other hand, learned Addl. P.P. for the State opposed the present bail application. He has contended that accused-applicants along with their co-accused formed an unlawful assembly being armed with deadly weapons like kapa, kuhada, dasta etc. and in persuasion of their common object, have committed the serious offence by murdering Balvir Singh (uncle of complainant) and the motive has also been explained by the complainant as a case regarding water channel was filed by him before Canal authorities and due to that grudge, accused persons (14 in numbers) caused injuries to the complainant party, which took the precious life of Balvir Singh. As such, the accused do not deserve the benefit of bail and prayed for the dismissal of anticipatory bail application.

6. I have heard learned counsel for the applicants as well as learned Addl. P.P. for the State and have perused the file minutely. As per allegations of prosecution, 14 assailants being armed with deadly weapons like kapa, iron rod, dastas, dandas etc. waylaid the complainant and his uncle Balvir Singh while they were going to their fields, as a dispute regarding water channel was going on between the parties before Canal Authorities, and in persuasion of their common object, caused injuries to

complainant, his uncle Balvir Singh and nephews Pritpal Singh and Chhinder Pal Singh and due to head injuries, Balvir Singh succumbed to the injuries while he was being taken to Civil Hospital. As per prosecution, the weapons of offence used in the commission of crime are yet to be recovered and for proper investigation of the case, custodial interrogation of the applicant-accused cannot be denied to the prosecution. Moreover, a similar bail application applied by co-accused Jang Singh has already been dismissed by this Court vide order dated 08.05.2023 passed in bail application no. BA/944/2023. The allegations against the present applicants cannot be segregated from the other accused. In these circumstances, keeping in view the serious nature of the offences alleged against the applicants-accused, this Court does not find it a fit case where benefit of anticipatory bail could have been granted to them. Therefore, finding no merit in the instant bail application, the same is ordered to be dismissed.

7. Bail application file be consigned to the Record Room, Fazilka.

Sd/-

Dated: 17.05.2023.

‘Bhola Shankar’
‘Stenographer Gr.I’

(Jatinder Kaur),
Sessions Judge,
Fazilka (UID No. PB0062)

BA 1009 of 2023 Shinder Pal Singh @ Shindu & others versus State of
Punjab
CNR No. PBFZC0-002739-2023

Present:- Sh. Anil Setia Advocate, counsel for applicants-accused.

Upon notice, Shri Wazir Kamboj, Addl. P.P. put appearance
on behalf of respondent-State.

Heard. Report of Ahlmad perused. Vide my separate &
detailed order of today, the bail application u/s 438 (i) Cr.P.C. applied on
behalf of aforementioned applicants-accused has been disposed off.

Bail application file be consigned to the Record Room,
Fazilka, after due compilation.

Sd/-

Dated: 17.05.2023.

'Bhola Shankar'
'Stenographer Gr.I'

(Jatinder Kaur),
Sessions Judge,
Fazilka (UID No. PB0062)