

IN THE COURT OF DR RAM KUMAR SINGLA,
UID NO.PB-0122,
ADDITIONAL SESSIONS JUDGE,
KAPURTHALA.

CNR No. PBKP010021762020



Case No. BA/1008/2020

Presented on : 29-05-2020
Registered on : 29-05-2020
Date of Order : 06.06.2020
Next date of hearing : 29.06.2020

1. Jasbir Singh @ Sheera, s/o Beera, aged about 30 years;
2. Beera, s/o Mohinder, both rs/o Village Kalwan, P.S. Sadar, Kapurthala.

..... Applicants/accused

Versus

State of Punjab.

..... Respondent.

FIR No.190 of 28.10.2019,
U/s 452, 323, 324, 148, 149, 506 of Indian Penal Code,
Police Station: Sadar, Kapurthala.

Application for bail under section 438 of Cr.P.C.

Present: Sh. Suresh Kalia, Advocate, proxy counsel for the
applicants/accused – through video-conferencing.
Sh. Arvind Sahai, Addl. Public Prosecutor for the State.

O R D E R

Record perused. **Arguments have been heard** on the
anticipatory bail of above referred applicants in the aforesaid FIR bearing

no.0190 of 28.10.2019.

2. Briefly, the facts and circumstances on record necessary to be mentioned herein for consideration of the present bail application of the applicants/ accused are that the present case was registered at the instance of Manjit Kaur (hereinafter called complainant), with the version that on 27.10.2019 i.e. on the day of Diwali at about 09.30 PM, after completion of her domestic affairs, she along with her son Dupinderpal Singh had gone to sleep at her residence. After sometime, complainant attracted towards the clamour outside their gate, as and when she switched on the light of her house, she saw Raja armed with sickle entered into her house by climbing the wall of her house. The said Raja after entering into the house of complainant, opened the gate of her house and then, his other associates namely Jasvir, Beera, Gora, Goga, Kalu and Amba were entered into the house of complainant, who were also armed with deadly weapons. Then, the aforesaid Beera raised a slogan upon which, the said Raja gave his sickle blow, which hit on the left elbow of the complainant. Then, aforesaid Jasbir Singh gave his wooden stick blow on the left knee of the complainant. The aforesaid Goga gave his wooden stick blow on the waist of the complainant. Then, said Gora gave his wooden stick blow on the left shoulder of the complainant. Then, the complainant was caught hold by aforesaid Kalu from her hair and fell her down on the ground and then, the shirt of complainant was pulled by aforesaid Amba and torn the same by him. Upon raising clamour by the complainant, neighbouring people started gathering at the spot and all the aforesaid assailants ran away from the spot with their respective weapons. She further stated that, during the aforesaid occurrence,

she bolted her son in a room in order to save him from the aforesaid assailants. While leaving the spot, the aforesaid assailants gave life threats to the complainant and her son Dupinderpal Singh. Afterwards, complainant was removed to Civil Hospital, where she was medico-legally examined.

3. The motive behind the occurrence was some previous petty dispute of quarrel of the son of complainant with the said assailants. The said allegations as made by the complainant and further medico-legal examination of the complainant, led to registration of present FIR. The present applicants having the apprehension of their arrest, have preferred their anticipatory bail.

4. The learned proxy counsel for the applicants has argued that they have been falsely implicated in the present case. No such vital part injuries have been attributed to the applicants. All the injuries are simple in nature. All the offences are bailable except the offence punishable under section 452 of Indian Penal Code. About 08 months have already been passed to the alleged occurrence. The applicants are ready to join the investigation proceedings which are formal in nature. Therefore, they are entitled to the concession of anticipatory bail.

5. The learned Addl.PP for the State has argued that in view of the gravity of offence, the applicants/accused are not entitled to the concession of anticipatory bail and it is the need of proper investigation proceedings, to be conducted by way of custodial interrogation of the applicants to give the logical end to that crime, so, the bail application under reference is liable to be dismissed.

6. **Having heard** to their rival contentions and have gone through

the file. Considering the aforesaid episode of crime and without commenting on the merits of the case, no such vital part injuries have been attributed to the applicants. All the injuries as alleged by the complainant received allegedly in the hands of assailants/ accused/ applicants are declared simple in nature. All the offences are bailable except the offence punishable under section 452 of Indian Penal Code. Moreover, about 08 months have already been passed to the alleged occurrence and nothing has come on record for the reasons of delay of eight months to arrest them till date. So, it seems that the investigation proceedings are formal in nature. Therefore, the applicants are held entitled to the concession of anticipatory bail.

7. Consequently, the present applicants/accused are hereby directed to surrender before the Investigating/Arresting Officer **within 10 days from today** and on their surrendering they will be admitted on interim bail on furnishing the bail bonds and surety bonds subject to the satisfaction of Arresting Officer. Failing to comply this order within that prescribed period by the applicants/accused, this order shall stand vacated of interim bail to them. This order of interim bail to the applicants/accused is subject to the compliance of necessary provisions of Section 438 (2) of the Code of Criminal Procedure by them.

Let compliance report and further progress report qua that investigation proceedings be awaited for 29.06.2020.

Pronounced in open Court.
Dated: 06.06.2020
Kaushal

(Directly dictated on computer)

(Dr Ram Kumar Singla)
Addl. Sessions Judge,
Kapurthala(Duty).

UI Code – PB0122