

PBGD010024472022



Presented on : 16-04-2022

Registered on : 16-04-2022

Decided on : 22-04-2022

Duration : 0 years, 0 months, 6 days

IN THE COURT OF RAMESH KUMARI, (UID No.PB0039)
SESSIONS JUDGE, GURDASPUR

Bail Application No.306 of 2022

Date of Institution: 16.04.2022

Date of Order : 22.04.2022

1. Sewa Masih S/o Jeeda Masih,
 2. Danial (wrongly mentioned in the FIR as Jashan), S/o Manga Masih,
 3. Rahul Masih (wrongly mentioned in the FIR as Desa), S/o Sewa Masih,
- All residents of village Shakri, P.S. Ghuman Kalan, District Gurdaspur.

...Applicants/accused

Versus

State of Punjab

...Respondent

1st Bail Application U/s 438 Cr.P.C.

FIR No.11 of 23.03.2022

Under Sections : 326, 452, 324, 323, 506, 148, 149 of Indian Penal Code

Police Station: Ghuman Kalan

Present: Shri Karanjit Singh, Advocate, learned counsel for applicants/accused.

Shri Kanwarjit Singh Gill, learned Additional Public Prosecutor for the State.

ASI Kulwinder Singh No.1298/Gsp., with police record.

ORDER:

1. The applicants/accused Sewa Masih, Danial alias Jashan and Rahul Masih alias Desa were granted interim bail vide order dated 20.04.2022, with the direction to join the investigation.

PROSECUTION STORY/FACTS OF FIR:

2. The brief facts of the prosecution case are that aforesaid FIR has been registered on the statement of complainant Daljit Masih son of Gafur Masih, resident of Shakri, wherein he stated that he is labourer. On 22.03.2022, after paying obeisance at the place of Baba Rode he was returning to his house from Wadala. At about 7:00 p.m., when he reached near the gate of his house, Partap Singh son of Gurdeep Singh armed with *datar*, Jashan son of Manga Masih armed with baseball, Desa Masih son of Sewa Masih armed with hockey, Sewa Masih son of Jinda Masih and Harjit Singh son of Chanchal Singh, all residents of Shakri, came running towards him. He went inside his house and the electric bulb was glowing in his house at that time. All the aforesaid persons came inside his house and on reaching there Sewa Masih raised *lalkara* to catch hold of Daljit Masih as he polled the vote against their party, whereupon Partap Singh gave him *datar* blow which hit on his right elbow. Jashan gave him baseball blow, which hit on the left side of his chest. Desa Masih gave hockey blow, which hit on the thigh of left leg. Harjit Singh threatened to kill him if they again polled vote against their party. At that time, some other persons who had accompanied the aforesaid accused inflicted injuries to his cousin Sona Masih son of Noor Masih. He raised alarm, whereupon all the aforesaid accused alongwith their respective weapons ran away from the spot. In the meantime, Baljinder Singh son of Ranjit Singh of his village reached the spot, who admitted him and his cousin Sona Masih to the Civil Hospital, Batala. The motive behind the

occurrence is that the aforesaid accused support some other party, whereas they poll vote to some other party and due to that grudge, the accused inflicted injuries to them.

STATEMENT OF INVESTIGATING OFFICER REGARDING JOINING OF INVESTIGATION BY APPLICANT/ACCUSED:

3. Investigating Officer ASI Kulwinder Singh No.1298/Gsp., has appeared in the Court and stated that the applicants/accused Sewa Masih son of Jeeda Masih, Danial as Jashan son of Manga Masih and Rahul Masih alias Desa son of Sewa Masih have joined the investigation on 21.02.2022 and got effected the recovery of hockey and baseball and that they are not required for further custodial interrogation. Separate statement of ASI Kulwinder Singh No.1298/Gsp., is recorded, which is duly countersigned by learned Additional Public Prosecutor.

PREVIOUS ANTECEDENTS OF APPLICANT/ACCUSED:

4. On 20.04.2022, ASI Kulwinder Singh No.1298/Gsp., Police Station Ghuman Kalan, had stated that except the present FIR, no other FIR is registered against applicants/accused Sewa Masih son of Jeeda Masih, Danial as Jashan son of Manga Masih and Rahul Masih alias Desa son of Sewa Masih. Separate statement of ASI Kulwinder Singh was recorded, which was duly countersigned by learned Public Prosecutor.

RELIEF:

5. Keeping in view the statement of ASI Kulwinder Singh No.1298/Gsp., since the applicants/accused have joined the investigation in pursuance of the order dated 20.04.2022, and got effected the recovery of hockey and baseball, which were allegedly used in the commission of

offence, no purpose would be served by sending them in judicial detention.

Therefore, the order dated 20.04.2022, vide which the applicants/accused were granted interim bail, is made absolute, subject to the terms and conditions that:-

- i) the applicants shall make themselves available for interrogation before the SHO/Investigating officer, as and when required; and
- (ii) the applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him/her from disclosing such facts to the investigating officer/any police officer or to the Court.

Copy of this order be sent to the concerned police station for information. Police file be returned. Bail application file be consigned to the record room after due compliance.

Pronounced:
22.04.2022

(Ramesh Kumari)
(UID No.PB0039)
Sessions Judge,
Gurdaspur.

(*Vinay*)

Dictated on : 22.04.2022
Transcribed on : 22.04.2022
checked on : 22.04.2022
Signed on : 22.04.2022

(Ramesh Kumari)
(UID No.PB0039)
Sessions Judge,
Gurdaspur.