

**IN THE COURT OF SHRI VARUN NAGPAL, ADDL.SESIONS
JUDGE, JALANDHAR (UID-PB00204).**

BA No.	1011/2022
CNR No.	PBJL010030002022
Date of Instt.	22.03.2022
Date of Order	28.03.2022

Kohinoor @ Karan Kumar, aged about 24 years son of Daljeet Kumar(named as Kuldeep Kumar in FIR), resident of House No. B-4/272, Mata Kalsi Nagar, Phillaur, District Jalandhar.

....Applicant/accused

Versus

State of Punjab

FIR No.110 Dated 23.04.2021
Under Sections 160,307,324,326,427,380,148,149 of IPC
Police Station Phillaur, District Jalandhar.

[First Application for Bail U/s 439 of Cr.P.C.]

Present: Shri R.K.Nagiana, Advocate, Counsel for the applicant/
accused
Shri Rishi Bhardwaj, Addl. PP for the State

ORDER:-

1. Applicant/accused named above has filed this bail application under Section 439 Cr.P.C in a case FIR No.110 Dated 23.04.2021, under Sections 160,307,324,326,427,380,148,149 of IPC,

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registered at Police Station Phillaur, District Jalandhar. Along with bail application, an affidavit is also filed on behalf of applicant/accused by his father Daljit Kumar that this is his first bail application under Section 439 Cr.P.C. and no other bail application has been filed by the applicant/accused or decided by any Court including Hon'ble High Court.

2. Upon notice, Shri Rishi Bhardwaj, Additional Public Prosecutor appeared on behalf of State.

3. The learned counsel for the applicant/accused has submitted that applicant/accused has been falsely implicated in this case. Applicant/accused is in custody more than one month. Nothing is to be recovered from him and no useful purpose would be served by keeping him behind bars. Challan has already been presented in the Court. Applicant/accused undertakes to abide by the terms and conditions to be imposed while releasing him on bail and a prayer is made for allowing the bail application.

4. On the other hand, while controverting his contentions, the learned Addl. P.P for the State has vehemently argued that though challan has already been presented in the court, but the same is yet to be committed to the court of Sessions and thereafter the trial would start and if applicant/accused is released at this stage of the case, he may abscond or tamper with prosecution evidence and may also influence the

prosecution witnesses. So, it is prayed that the bail application of applicant/accused be dismissed.

5. I have heard the learned counsel for applicant/accused and learned Addl.PP for the State and have also gone through the record.

6. Police record as well as record from the Court of learned Illaqa Magistrate received. Perusal of record shows that on 23.04.2021, the police party headed by SI Govinder Singh was present at Committee Ghar Chowk, Phillaur in connection with patrol duty and checking of bad elements where he received a secret information to the effect that some boys are fighting on public place and they are doing violence and breaching the peace. Out of those boys, the names of boys of one group are Kohinoor son of Kuldeep Kumar, Bhupinder Singh son of Satnam Singh, Deepa son of Ram Murti, Manish son of Ram Murti and 10-15 unknown persons and the names of boys of other group are Shashi Kant, Mintu, Rahul, Dhada, Vijay Masih, Ravi Studio-wala, Shiva and 10-15 unknown persons and both the group armed with deadly weapons are fighting near the Church, Phillaur and during their fight there is apprehension that some may receive injuries and may also be murdered. If a raid is made, all the accused can be apprehended. The secret information was found trustworthy and ruqa was scribed and sent to the police station for recording of FIR. Thereafter, the police party reached at the disclosed

place, where Lakhwinder Singh, Sukhwinder Singh, Arshdeep Singh and Amanjit had met and copy of FIR was also received at the spot. At the spot, I.O. also received medical chit No.113/23.04.2021 regarding injured Manish son of Ram Murti, Bhupinder Singh, Deepak Singh son of Ram Murti and Kohinoor son of Daljit Kumar. Then, I.O. also recorded statement of Lakhwinder Singh son of Gurmail under section 161 Cr.P.C.who has stated that he was passing through the place of occurrence after closing his shop and on seeing the fight between two groups, he stopped his vehicle behind, but in the meanwhile some boys came towards his vehicle and they attacked his vehicle with datters and kirpans and he along with his companion Arshdeep Singh ran away from the spot and he has named the assailants Vijay Masih @ DC, Ravi Dhada, Shiva, Rahul, Shashi Kant and Chippi and five/seven unknown persons to whom he can identify if comes before him and the assailants has caused damage to his vehicle and on checking his vehicle he also found that bag containing cash amount of Rs.1,36,930/- and his phone make Apple were also missing from the vehicle and the assailants had tried to kill him.

7. Initially FIR was registered under Sections 160/307/324/148/149 of IPC, but lateron vide DDR No.07 dated 09.06.2021 offences under Sections 380/427 of IPC were added whereas vide DDR No.20 dated 14.06.2021 offence under Section 326 of IPC has

been added.

8. Perusal of police record shows that the present FIR in question has been registered on the statement of the secret information against the eleven accused by name including the present accused/applicant. As per version of the prosecution two groups i.e. one group consisting of accused namely **Kohinoor(present applicant/accused)** son of **Kuldeep Kumar, Bhupinder Singh son of Satnam, Deepa son of Ram Murti, Manish son of Ram Murti** and 10/15 more persons **and** the other group consisting of accused namely **Shashi Kant, Mintu and Rahul residents of Khad Mohalla, Dhada, Vijay Masih, Ravi Studio-wala, Shiva** resident of Philaur along with 10/15 more persons, all armed with weapons by forming an unlawful assembly attacked each other group.

9. Perusal of file shows the applicant/accused Kohinoor @ Karan Kumar was arrested on 01.02.2022 and since then he is in custody. There are five injuries on the person of accused/applicant i.e. two incised wounds, two abrasions and one injury is described as complain of pain. At this stage, there is no medical record of second group on the police file showing the attribution of injury to the present accused/applicant. Neither any statement of second group has been recorded giving any attribution to the present accused/applicant. Accused/applicant is not required for

further investigation by the police. Challan has already been presented before the court of learned Illaqa Magistrate, which is pending for committal to the Court of Sessions and thereafter, trial would start and conclusion of trial would take sufficient time. No useful purpose would be served by detaining the applicant/accused in custody for indefinite period. Considering the totality of facts and circumstances of the case in hand as discussed above, the bail application of the accused/applicant Kohinoor @ Karan Kumar is allowed. He is admitted to bail on furnishing personal bonds in the sum of Rs.50,000/- with one surety of like amount to the satisfaction of learned Illaqa/Duty Magistrate, subject to the following conditions:

- i. That he will not tamper with the prosecution evidence and will not offer any threat, promise or inducement, directly or indirectly to any of the persons acquainted with the facts of the case, dissuading them from disclosing the same to the court/investigating agency and;
- ii. That he will not leave the limits of this country without prior permission of the Court. He will not even apply Visa for any country without permission.

10. However, any observation made above while disposing off this bail application shall not be considered an opinion of the undersigned on the merits of the case or opinion on the bail application of other co-accused, if any. Police Court record be returned along with copy of this

order. Copy of this order be sent to the Court of learned Illaqa/Duty Magistrate for information and compliance. Record of this bail application be consigned to Sessions Court record room, Jalandhar.

Pronounced on:
Dated:28.03.2022
Onkar Chand JW(SG)

(Varun Nagpal)
Addl. Sessions Judge, Jalandhar
(UID No. PB00204)

Varun Nagpal
ASJ/Jalandhar
Dated 28.03.2022