

**IN THE COURT OF SANDEEP SINGH BAJWA,
ADDITIONAL SESSIONS JUDGE, SRI MUKTSAR SAHIB.
(UID Number PB0446)**

Case Type	BA
Filing Number	691/2022 Filing Date: 21.03.2022
Registration Number	383/2022 Registration Date: 21.03.2022
CNR Number	PBSM01-000871-2022
Date of Order	25.03.2022

Kuldeep Singh alias Mahna, aged about 36 years, son of Gurdev Singh,
resident of village Warring, Tehsil and District Sri Muktsar Sahib.

...Applicant/Accused

Versus

State of Punjab

...Respondent

FIR No.0017 dated 16.02.2022

Under Sections 452, 395, 380, 354-B, 148, 149, 323, 427,
201 IPC

Police Station, Bariwala.

Bail application under Section 438 Cr.P.C.

Present: Shri Gurlal Singh Dhillon, Advocate for applicant
Shri Binni Mittal, Additional P.P. for State

ORDER

Applicant has filed the instant bail application under Section 438 of Code of Criminal Procedure seeking anticipatory bail in the case FIR No.0017 dated 16.02.2022, under Sections 452, 395, 380, 354-B, 148, 149, 323, 427, 201 IPC, Police Station, Bariwala.

2. Notice of the bail application was given to state and record was also summoned.

3. Learned counsel for the applicant argued that applicant is innocent and he has not committed any offence. He has not been named in this FIR and he has been falsely named in this case later on due to political vendetta. Moreover, no offence is made out from the version of the FIR. Nothing is required to be recovered from the applicant. Applicant is ready to join investigation and co-operate and abide by the terms as

imposed by the Court and prayed that applicant be granted anticipatory bail.

4. On the contrary, Ld. Additional P.P. for the State argued that allegations against applicant-accused are serious in nature and prayed for dismissal of the bail application.

5. I have heard the rival contentions and have perused the record.

6. The present case FIR has been registered on the statement of complainant Gagandeep Kaur, who alleged that they are three siblings and she is eldest of all. Her marriage was fixed for 19.02.2022, due to which her father Raghbir Singh, mother Amarjit Kaur, brother Amandeep Singh and Mandeep Singh had gone to Sri Muktsar Sahib for shopping. She along with her aunt namely Preet Kaur and Seema Rani, was present in the house as they had come to attend the Path of Sukhmani Sahib. At about 06.00 p.m., Gurpreet Singh alias Soni armed with kirpan, Gurbhej Singh armed with hammer, Jagmeet Singh armed with kirpan, Judge Singh armed with kirpan, Sunny Singh armed with kappa, Gora Singh armed with iron rod, Kaka Singh armed with kirpan, Modi Singh armed with kappa, Mandeep Singh armed with iron rod, Jagga Singh armed with Khanda, Amani armed with kirpan, Happy armed with kirpan and about 40 unidentified persons, who also were armed with dangs and sticks entered into her house and raised lalkara and then some of them entered into the rooms of their house and after breaking the lock of peti, took away one bag containing one ladies gold set, two pairs of ear rings, three Gents gold rings, one pair of ear rings, one Gents gold karra, one ladies

gold bangle, one gold ring and cash Rs. 5,25,000/- and some started damaging the windows of their house. When her aunt namely Preet Kaur raised objection to it, then they outraged her modesty by tearing her shirt around the neck and also scuffled with him, due to which Seema Rani received injury on her arm and they also damaged the LED make Alfa. The aforesaid persons have arrived on 3-4 cars and 10-12 motorcycles and were abusing them and then on seeing that people are gathering there, they fled away from the scene.

7. From the perusal of the allegations leveled by the complainant in the FIR, it comes out that there are grave and serious allegations against the applicant-accused. Though, complainant has not named the applicant-accused in her earlier version, but later on, she specifically has named the applicant-accused as perpetrator of present crime as she has alleged that applicant-accused along with other accused has executed the commission of present crime while armed with deadly weapons. Complainant has specifically alleged that applicant-accused along with other co-accused while armed with deadly weapons i.e. Kirpan, Kappas etc. trespassed into the house of the complainant and accused persons and apart from damaging the household articles also took away gold articles and even outraged the modesty sister of mother of complainant. As per record, the photographs have also been placed on file showing the damage done to the house of complainant. In totality, it comes out that there is specific attribution against applicant-accused and other co-accused persons that they while armed with deadly weapons entered into the house of complainant and caused damage to household

articles and also took away gold articles and outraged the modesty of aunt complainant and since they were duly armed with deadly weapons and the manner they arrived at the spot on vehicles, it shows that they had executed their designs in pre-meditated manner and were sharing common object. It seems that they wanted to create terror in the area. It is mainly contended by the learned Additional P.P. for the State that allegations against the applicant-accused are grave and serious in nature and as such, applicant-accused does not deserve the concession of anticipatory bail and in view of subsequent events, his custodial interrogation is also essential for recovery of weapon and ascertaining the true facts and names of other persons involved. In the facts of the case, this court fully concurs with the arguments put forth by Ld. Addl. P.P. for the state.

8. Thus, keeping in view the nature of the offence and gravity of the allegations against the applicant, however, without commenting upon the merits of the case, the applicant does not deserve discretionary relief of anticipatory bail. As such, anticipatory bail application stand dismissed. However, this order shall have no bearing on the merits of the main case. Police record be returned forthwith and bail application file be consigned to the record room.

Announced: 25.03.2022

**(Sandeep Singh Bajwa),
Additional Sessions Judge,
Sri Muktsar Sahib.
(UID Number PB0446)**

Karamveer Singh, Stenographer Grade-II