

CNR No. PBRO010005602025



Case No. BA/133/2025

Presented on : 05-02-2025

Registered on : 05-02-2025

Decided on : 13-02-2025

**IN THE COURT OF MOHIT BANSAL
ADDITIONAL SESSIONS JUDGE, RUPNAGAR
(UID No.PB0208)**

State of Punjab Vs. Rahul son of Sukhwinder Singh @ Bhola

F.I.R No.29 dated 03.05.2023

Under Sections: 302, 307, 323, 324, 341, 148,
149, 506 IPC.

Police Station: City Morinda

Present: Sh. Sheikhar Shukla Advocate, Ld. Counsel for applicant-
accused Rahul son of Sukhwinder Singh @ Bhola
Sh. Rajinder Kumar, Ld. Addl. PP for the State.

ORDER

1. Vide present order, application for regular bail, filed on behalf of the applicant-accused Rahul, is being disposed of.

2. Notice of the instant bail application was given to the State. Sh. Rajinder Kumar, Ld. Addl. PP appeared on behalf of the State. Reply to the bail application, has not been filed. The main case file titled as "State of Punjab Vs. Rahul & Ors.", CIS No.SC/166/2023 i.e. challan file, has been taken up.

GROUND'S MENTIONED IN THE BAIL APPLICATION

3. The instant application for regular bail, has been filed on behalf of the applicant-accused Rahul son of Sukhwinder Singh @ Bhola stating therein that the applicant is innocent and has committed no offence. The applicant-accused has been falsely implicated in the

present case. The accused is in judicial lock-up since long. The complainant has already been resiled in his cross-examination. With these averments, a prayer for allowing the instant bail application, has been made.

ARGUMENTS ON BEHALF OF APPLICANT-ACCUSED

4. Sh. Sheikhar Shukla Advocate, Learned Counsel for the applicant-accused Rahul son of Sukhwinder Singh @ Bhola, has submitted that there are no allegation against the accused Rahul. PW1 Rahul Sharma and PW2 Parmod Kumar have not identified the accused Rahul. Upon this, the Learned Counsel has submitted that these are only material witnesses and therefore, the instant bail application may be allowed.

ARGUMENTS ON BEHALF OF THE STATE

5. On the other hand, the Learned APP for the State has opposed the bail application and submitted that the main case is still pending for prosecution evidence. The Learned APP has submitted that the allegations against the accused are serious and therefore, the instant bail application, does not deserve to be allowed and a prayer for dismissal of the same, has been made.

6. I have heard the rival submissions and perused the record carefully.

FACTS OF THE FIR

7. As per the FIR, Rahul Sharma laid first information about the occurrence. According to him, he is working at the Chandigarh

University. He and his brother Sahil, who was 19 years old was working as a labourer. On 30.04.2023, his cousin brother Parmod Kumar and his younger brother Sahil Kumar were planning to go Sri Amritsar Sahib. He had also agreed to accompany them to go to Sri Amritsar Sahib. They went to old railway station, Morinda to know about the timings of train for going to Amritsar. While returning, on the way, son of his taya/paternal uncle Parmod Kumar went to his house. He and his younger brother Sahil Kumar were also going towards their house.

8. At about 08.30 PM, when they reached near Garden Colony Park, 6-7 boys armed with deadly weapons standing there, who encircled them and started abusing his younger brother Sahil Kumar. When he asked the reason, Rahul son Sukhwinder Singh attacked his brother Sahil with Daat with an intention to kill him. His brother Sahil in order to save himself, bend down and the blow of daat hit on his neck, due to which, his brother fell down on the road and blood started oozing out from the said wound. Vishal alias Shahi son of Gogi, Karan Kang son of Kamal and some unidentified persons had also attacked upon his brother with the dandas/sticks. Accused Vishal son of Lucky, Shivam son of Naresh and Sonu son of Manga had also given fist and kick blows to his brother. He raised alarm 'marta marta', upon which all the accused fled away from the spot along with their respective weapons.

9. After arranging conveyance, he took his brother to Shergil Hospital, Morinda, where the doctor referred him to PGI after giving

him first aid. Thereafter, on 04.07.2023, during treatment Sahil Kumar died and the offence under Section 302 IPC was added later on.

OPINION FOR THE LIMITED PURPOSE OF DECIDING THIS BAIL APPLICATION

10. PW1 Rahul Sharma complainant in his examination-in-chief has clearly deposed as per the prosecution case that Rahul (applicant herein) attacked on his brother Sahil with daat with intention to kill him. No doubt PW-1 Rahul Sharma in his cross-examination and PW-2 Parmod Kumar in his evidence have not deposed anything incriminating against accused Rahul applicant herein, yet, there are other prosecution witnesses whose evidence would only determine the fate of the case. The offence committed in the present case are under Section 302, 307, 323, 324, 341, 148, 149, 506 of IPC.

11. Keeping in view the gravity of offence involved, the instant regular bail application, filed by the accused Rahul son of Sukhwinder Singh @ Bhola, does not deserve to be allowed and is accordingly dismissed.

12. Papers pertaining to the instant bail application, be attached with the main challan file.

Pronounced in the Open Court
Dated: 13.02.2025
Anis STG-II

(Mohit Bansal)
UID NO.PB0208
Addl. Sessions Judge,
Rupnagar.