

**IN THE COURT OF SH. YUKTI GOYAL,
ADDITIONAL SESSIONS JUDGE, JALANDHAR.
(UID No. PB0220)**

CIS Case No : **BA-1519-2022**
CNR No : **PBJL01-004591-2022**
Date of Institution : **27.04.2022**
Date of Order : **05.05.2022**

Seetu alias Bunty aged about 23 years son of Jaspal resident of village Pharwala, Tehsil Phillaur, Jalandhar.

...Applicant/accused

Versus

State of Punjab

FIR No.31 dated 12.03.2022
Under Sections: 323/324/326/148/149 IPC
P. S. Goraya, Jalandhar.

1st Bail Application under Section 438 Cr.P.C.

Present: Sh. Jagdev Singh, Advocate for the applicant/accused
Sh. Gurpreet Singh, APP for the State

ORDER

1) This order will dispose of bail application under Section 438 Cr.P.C to release the applicant/accused Seetu alias Bunty on bail, in the event of his arrest, in FIR No.31 dated 12.03.2022 under Sections 323/324/326/148/149 IPC registered at Police Station Goraya, Jalandhar, moved by the applicant/accused.

2) Upon notice, Ld. APP appeared on behalf of State.

Yukti Goyal
ASJ/Jalandhar
Dated: 05.05.2022

3) Before moving further, it would be appropriate to briefly narrate the prosecution story which is to the effect that present case was registered on the basis of statement of complainant Simranjit Singh son of Lehmbhar Singh resident of Rurka Kalan, Police Station Goraya to the effect that on 09.03.2022, he along with his friend Harjinder Rana son of Mohan Lal resident of village Pharwala had gone to Jalandhar Courts to attend hearing of a case. At about 12/1 p.m., they were returning to their village on motorcycle and when they reached near 'Jhanjghar' of village Sang Desian, there two young boys one of whom was Satvir resident of village Jand armed with basebat, were standing there. As per the complainant, Satvir gave a blow of basebat on his chest due to which he fell from the motorcycle. Both the assailants also gave beatings to his friend Harjinder Rana. Then Satvir Singh called his friends at the spot upon which 15/20 young boys including Sunny alias Ganja came there. Sunny Ganja raised 'Lalkara' to teach lesson to him (complainant) and Harjinder Kumar. Shivam alias Bhabhu gave a blow of 'Datar' which hit on right side of his head. Then Sunny alias Ganja gave blow of Kirpan which hit his right hand. Jassi gave blow of Kirpan which hit his index finger. Thereafter, Bunti son of Jaspal gave blow of wooden log on his left hand and Satvir gave blow of basebat which hit his right thigh. As per the complainant, Neeraj gave a blow of wooden log on his right leg. Ajay also gave blow of wooden log which hit his right leg. Thereafter, Sehman son of Raj Kumar gave blow of wooden log on his left leg. Meeka resident of

Sang Dhersian gave blow of 'kirpan' on his right thigh. Then Satvir Jadian gave blow on his right thigh. All of them also gave injuries on his left knee and left leg. Thereafter, on 06.04.2022, Harjinder alias Rana also got recorded statement with police, wherein he stated that Shivam alias Bhabhu, Bunty son of Jaspal, Sunny alias Ganja, Satvir son of Raj Kumar, Sehman son of Raj Kumar, Neeraj, Ajay son of Raj Kumar, Meek Jasvir Jandian had also caused injuries to him.

4) Learned Counsel for the applicant/accused has submitted that applicant/accused is innocent and has not committed any offence. Ld. Counsel for the applicant/accused has also argued that the name of applicant/accused does not figure in the FIR which was registered on the statement of Simranjit Singh and there are no specific allegations against the applicant/accused. Ld. Counsel has further argued that only on the statement of Harjinder Singh recorded on 06.04.2022, present applicant was arrayed as an accused. Lastly, Ld. Counsel argued that applicant/accused be released on bail.

5) On the other hand, while controverting the contentions of the Ld. Counsel for the applicant/accused, Ld. APP for the State argued that there are serious allegations against the applicant/accused as grievous injuries have been inflicted upon the complainant Simranjit Singh and Harjinder alias Rana, as such, he is not entitled to benefit of bail and the application in hand may be dismissed.

6) I have heard Ld. Counsel for the applicant/accused, Ld. APP for the State and also gone through the record.

7) As per the case of prosecution, applicant/accused along with co-accused inflicted grievous injuries to the complainant Simranjit Singh and Harjinder alias Rana. Further, as per the case of the prosecution, there were 10/15 persons who attacked the complainant Simranjit Singh and his friend Harjinder Singh. From the perusal of Medico Legal Report placed on record, it transpires that as many as 12 injuries have been inflicted on the person of complainant and injury no.1 has been inflicted on the right side of the head i.e. vital part of the body. The fact that name of the applicant/accused was disclosed on 6.4.2022, can be appreciated only when the prosecution will lead its evidence during the trial. As per the case of prosecution, there was assembly of more than five persons, with common object to cause injuries. Accordingly, in the considered view of this court, in order to probe the entire incident, the custodial interrogation of the applicant/accused is required. In such circumstances, this court of the view that applicant/accused is not entitled to the discretionary relief of anticipatory bail under section 438 of Cr.P.C. Accordingly, the bail application stands **dismissed**. Record be returned and file be consigned to the record room.

Pronounced in open Court:
Dated:05.05.2022

Rajinder Kumar, JW

Yukti Goyal,
Additional Sessions Judge,
Jalandhar (UID No.PB0220)

Yukti Goyal
ASJ/Jalandhar
Dated: 05.05.2022