

CNR No.PBFZ0100-4407-2021

BA No.514, dated 23.06.2021

CIS No. BA/1291 of 2021

Date of Order: 24.06.2021

(Application under section 438 Cr.P.C.)

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Present: Sh. M.K. Bajaj, Adv., counsel for the applicant/accused.

Sh. Keemat Singh, Additional PP for the State.

Sh. J.S. Kalra, Adv., counsel for the complainant.

O R D E R

1. Heard on the bail application filed by applicant /accused Jaspal Singh, under Section 438 of Cr.P.C, pertaining to FIR No.55, dated 18.06.2021, under section 307,506,148,149 IPC and 25/27 of Arms Act, Police Station, Mallanwala, wherein learned Additional PP for the State has opposed the same on the ground that there are serious allegations against the applicant /accused.

2. Perusal of the FIR as well as police record shows that the present case has been registered on the complaint of Gurtej Singh, complainant, with the allegations that on the alleged day of occurrence,

applicant/accused Jaspal Singh, who armed with pistol/rifle alongwith other co-accused/non-applicant namely Saraj came at the alleged place of occurrence on vehicle and thereby fired a shot towards him with intention to kill.

3. It is further alleged that on account of the aforesaid occurrence, complainant's Taya Balwinder Singh raised *raula* which also invited the attention of Balwinder Singh, gunman, who also came at the spot, on account of which applicant/accused ran away from the spot. The reason for the aforesaid occurrence that the applicant/accused is pressurising the complainant party to settle the criminal matter, which is pending between the parties.

4. At the very outset, learned counsel for the applicant/accused has stated that he has been falsely implicated in the present case, as neither he was present at the time of alleged occurrence nor he pressurised the complainant party to settle the alleged earlier criminal matter between them.

5. At last, he further stated that even it is no injury case and nothing is to be recovered from the applicant/accused, as such, prayer has been made for grant of anticipatory bail.

6. Per Contra, learned Additional PP for the State alongwith Sh.

J.S. Kalra, Adv., counsel for the complainant has vehemently opposed the aforesaid bail application and stated that though it is no injury case but fire has been shot by the applicant/accused with intention to kill, as such, which attracted the offence under section 307 IPC alongwith offence under Arms Act, which is very serious in nature and prayed for dismissal of the present bail application.

7. After paying heedful consideration to the rival contentions of both the parties and without going into the merits or demerits of the present case, at this stage, this court is of the view that it is no injury case, in addition to the fact that whether the applicant/accused has pressurised the complainant party to enter into the compromise is matter of evidence and that can only be determined during the trial, by way of leading evidence to this effect and there are no allegations against him that if he released on bail, he will tamper with the prosecution evidence or flee from justice, therefore, in the event of arrest of applicant/accused in the case in hand, he shall be released on interim bail to the satisfaction of Arresting Officer/Investigating Officer. The applicant/accused shall comply with the provisions of section 438 (2) Cr.P.C and he shall join the investigation pertaining to the case in hand on or before 05.07.2021.

8. Now to come up on 05.07.2021 for further proceedings and consideration. Anything said in this order shall not affect the merits of the main trial in any manner. File be put up before the learned Sessions Judge, Ferozepur, for the purpose of entrustment for 02.07.2021.

Pronounced in open Court.

Dated: 24.06.2021

yashpaul

Sd/-(Sachin Sharma)
Additional Sessions Judge,
Ferozepur.(Duty)

UID No.PB0519