

*In the Court of Sh. Rakesh Kumar
Vacation Judge, Ferozepur.*

Bail Application No. ... of 18.6.2018.

CIS No. BA-1292/2018

Date of Order :- 20.6.2018

1. Surjit Singh aged 65 years son of Jhanda Singh, Adhar no.745713444659.

2. Gurdeep Singh aged 66 years son of Jhanda Singh, Adhar no.347915908362.

3. Surjit Kaur aged 61 years wife of Surjit Singh, Adhar no.681070418919, all residents of village Wahgewala, police station, Mamdot.

.... Applicants/accused.

Versus

State of Punjab.

..... Respondent.

FIR No.155 dated 4.12.2017

*Under Sections 452,324,323,34 IPC and later on
offence u/ss 325/326 IPC added.*

Police Station Mamdot.

Application for bail under section 438(1) Cr.P.C.

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PRESENT:

Mr. H.S. Virk, counsel for the applicants/accused.

Mr. Keemat Singh, Additional P.P. For the State.

ORDER

1. The present bail application under section 438(1) Cr.P.C. has been filed by applicants Surjit Singh, Gurdeep Singh and Surjit Kaur in

case FIR No.155 dated 4.12.2017, registered at police station, Mamdot, under sections 452,324,323,34 IPC and later on offence under sections 325/326 IPC were added.

2. Brief facts of the case are that the present case was registered on the statement of complainant Baldev Singh on the allegations that on 3.12.2017 at about 2.00 a.m. he along with his son was working in the fields, when Panjab Singh (non applicant) armed with Kirpan, applicants Surjit Kaur armed with baseball, Surjit Singh armed with Sota and Gurdeep Singh armed with Sota came there and started fighting with his son Manjinder Singh. When he came to rescue his son, then Panjab Singh gave kirpan blow on his left hand, Surjit Kaur gave baseball blow on the left little finger. Then they went to their house. However, the above said accused persons also entered their house and Surjit Singh gave sota blow on his left knee, Gurdeep Singh gave sota blow on his head. Then they raised raula mar dita mar dita, upon which Beant Singh came at the spot. His daughter in law Rajpreet also came there and thereafter all the accused along with their respective weapons ran away from the spot. He was taken to civil hospital, Mamdot from where he was referred to civil hospital, Ferozepur. The motive behind the occurrence was that Rachhpal Singh his relative had land dispute with Panjab Singh and he was helping Rachhpal Singh.

3. Notice of the application was given to the State. Learned Additional P.P. For the State appeared and contested this bail application.

4. I have heard learned counsel for the applicants, learned Additional P.P. For the State and have gone through the record very carefully.

5. Learned counsel for the applicants/accused has contended that applicants/accused have been falsely implicated in the present case. He has further contended that from the contents of the FIR, no offence was made out against the accused/applicants. He has further contended that there was delay of one day in lodging the FIR. Further more, he has argued that it was a cross version case from the side of the applicants/accused, non applicant Panjab Singh and applicant no.3 Surjit Kaur had also received injuries from the hands of complainant party and a rapat was registered on the statement of Panjab Singh non applicant. He has further contended that earlier applicants no.1 and 2 had filed a civil suit for permanent injunction against the complainant party and the same was decreed on 20.2.2015 and thereafter, the complainant party filed appeal, which was dismissed on 2.8.2017. He has further contended that earlier applicants no.1 and 2 had filed an appeal regarding correction of khasra girdawari before the SDM cum- Collector, Ferozepur and the same was allowed in their favour.

6. On the other hand, learned Additional PP for the State has contended that the gravity of offence does not warrant even the concession of anticipatory bail to the applicants.

7. I have considered the submissions of the learned counsel for the applicants, learned Additional P.P. For the State and have gone through the record very carefully.

8. After perusing the entire material available on record and arguments of the learned Additional Public Prosecutor for the State and learned counsel for the applicants I am of the considered opinion that the present bail application deserves to be allowed. The perusal of the file reveals that both the parties had received injuries in this occurrence. Further, the civil matter was decided in favour of the applicants/accused. Now nothing is to be recovered from the applicants/accused. So, at this stage for considering the bail application of the present applicants, I am of the considered opinion the applicants are entitled to the grant of concession of anticipatory bail at least for joining the investigation. Hence, the applicants are admitted to interim bail on their furnishing bail bonds to the satisfaction of Arresting/ Investigating Officer subject to the following conditions:-

- (i) The accused/applicants shall make themselves available for interrogation by the police officer as and when required;

- (ii) The accused/applicants shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer,
- (iii) The accused shall not leave the country without the previous permission of the Court.

9. Now for report to come up on 26.6.2018.

Dated:20.6.2018.

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Next Date: 26.6.2018.

Purpose.

(Rakesh Kumar)
Vacation Judge,
Ferozeur.
UID No.PB-0138.