

BA No.	2097-2019
CNR No.	PBJL010132402019

Rahul Vs. State of Punjab.

Present: ShAbhinav Kumar Nanda Adv for the petitioner.
Sh. Sachin Azad Addl. PP for the state.

1. Heard on second bail application filed under section 439 Cr.pc by applicant/accused Rahul son of Yashpal in FIR No. 19 dated 29.1.2019 under section 323/324/325/326/307 /451 /506 / 148 /149 IPC PS Divn no.6, Jalandhar.

2. On 28.1.2019 Aniket Gautam made statement to the police that he and his cousin Dakshesh are working in a Restaurant in Model Town Jalandhar. Sukhwinder Singh @ Sukhi was driver of owner of said restaurant and was thrown out of job by the owner. He got suspicious that he has been sacked at the asking of Dakshesh and gave threatening mobile calls to him. On 27.1.2019 at about 2.45 PM Sukhwinder Singh @ Sukhi alongwith Rahul, Rocky, Mental came to the Restaurant and started searching for Dakshesh who was not found. Thereafter, Sukhwinder Singh @ Sukhi took a big knife from kitchen and gave injuries to him at his neck. He raised his left arm and deep wounds were inflicted. Thereafter, the assailants ran away. He was shifted to Patel Hospital and then to Orthonova hospital and then to Guardian Hospital Jalandhar. Sukhwinder Singh @ Sukhi alongwith his companions attacked him with an intention to kill him. Action be taken. On the basis of this

statement and medical record, FIR was registered for offences under section 323/324/326/307/452/506/148/149 IPC against the accused persons. After completion of investigation, challan was presented for the aforementioned offences against the accused persons.

3. Sh. Abhinav Kumar Nanda Adv has argued that accused is innocent. He has been falsely implicated in this case . No injury has been attributed to him. He is in custody since long. Earlier bail application was dismissed but now the second bail application has been filed after the presentation of the challan , which should be allowed. He has argued for allowing of bail application.

4. On the other hand, Ld. APP for the state has opposed the same and has argued for dismissal of the bail application.

5. I have considered the respective submissions and have gone through the record.

6. First application for grant of regular bail under section 439 Cr.pc by applicant/accused Rahul was dismissed by the court of Sh. Ashok Kapoor, ASJ Jalandhar . Instead of moving the application before the Hon'ble High court for grant of bail, after dismissal of that application, he has filed the present second bail application alleging that as challan has been presented, so he should now be granted bail. However, presentation of challan is hardly a ground for grant of bail, once first bail application of the applicant/accused has been dismissed on merits. There is no such change in circumstances, which may warrant the allowing of this

second bail application . On this short score, this application deserves to be dismissed. Further more, applicant/accused actively participated in the occurrence, in which complainant received serious injuries with sharp edged weapon. As per police opinion report of Guardian Hospital, injuries were mentioned to be dangerous to life due to excessive bleeding, if surgical intervention would not have been done. Nature of injuries was declared grievous and kind of weapon used as sharp. So, considering all these facts, applicant/accused is not found entitled to the relief of bail . As such, bail application is dismissed. Papers be attached with the main file and same be put up on the date fixed.

Dated:6.6.2019
(Dimple Khosla)*

(K.K. Goyal)
ASJ/ Jalandhar
UID No. (PB0117)