

**In the court of Shri Karamjit Singh Sullar**  
**Additional Sessions Judge, Hoshiarpur**  
UID NO. PB0141

CIS No. BA/2097/2024  
CNR No. PBH001006393-2024  
Date of order: 02.08.2024

Rajinder Kumar @ Dadu aged 33 years s/o Hardesh Lal resident of Valmik Mohalla Garhdiwala District Hoshiarpur.

.....Applicant-accused

Versus

State of Punjab

..... Respondent.

FIR No. 46 dated 3.6.2024  
U/s 307,452,354-A(2),506,427,148,149 IPC  
and Section 25 of Arms Act  
Police Station: Garhdiwala District Hoshiarpur

(FIRST APPLICATION FOR ANTICIPATORY BAIL U/S 438 CR.PC)

Present: Shri Sandeep Sharma Advocate, for applicant-accused.  
Shri Varinder Kumar Public Prosecutor for the State.

**ORDER:**

1. This order of mine shall dispose of application filed by the applicant/accused for grant of anticipatory bail in the above noted case.

2. As per the allegations in brief, the present case was registered on the statement of complainant Chander Shekhar s/o Binder Pal R/o Ward No. 10, Balmik Mohalla, Garhdiwala District Hoshiarpur, wherein he stated that on 2.6.2024, at about 9:25 PM he was present in his house. Then, Mani, Deepa, Nandu sons of Ditt Kumar, Gaurav s/o Som Raj, Yogeshwar s/o Sukha Ram, Som Raj, Sukha Ram sons of Dharam Pal, Sameer @ Mithu s/o Sandeep

*Karamjit Singh Sullar,*  
*Additional Sessions Judge*  
*Hoshiarpur/UID PB0141*

@ Kala Malik, Rajinder Kumar @ Dadu s/o Harmesh Lal, Jobanpreet, Ambansh, Sayad Khan @ Khan s/o Mohammad Khan, Ditt Kumar @ Bittu s/o Mehru, Sumit son of Pal, Pal and Bheema sons of Harmesh Lal, all residents of Balmik Mohalla, Garhdiwala, Jyoti s/o Jarnail Singh r/o Bodlan P.S Dasuya, Gagandeep @ Gaggi r/o Balala P.S Garhdiwala being armed with deadly weapon came there while raising Lalkaras and they had forcibly entered into his house. Then, Mani fired a shot from his revolver with intention to kill him and in order to save himself, due to which, he laid on the ground. Then, Jyoti fired a shot in the air from his revolver. Then, Deep gave iron rod blow, which hit on his right leg, then Nandu gave danda blow, which hit on his left foot. Thereafter, while he was lying on the ground, all the above said assailants had started to give kick blows. He raised hue and cry, which attracted his aunt Pushpa Rani, but the above said Sukha Ram, Som Raj and Sameer had started to beat her. Sukha Ram and Som Raj had caught hold her aunt from her breast and torn her clothes. Then, he alongwith his aunt raised raula and thereafter, the above said assailants had vandalized their car bearing No. PB-07-AB-3777 lying parked in the street. Now, apprehending his arrest the applicant-accused has filed the present application for pre-arrest bail.

3. The learned counsel for applicant-accused argued that the applicant-accused has not committed any offence as alleged, rather he is falsely implicated in the present case. The allegations in the FIR are false and baseless. No injury is attributed to the applicant-accused. He further argued that the custodial interrogation of the applicant-accused is not required in this case and he is ready to join investigation

4. On the other hand, the learned Public Prosecutor for the State opposed the bail application on the ground that the applicant-accused along-with his co-accused caused injuries to the complainant with intention to kill him. The investigation is at initial stage and the custodial interrogation of the applicant-accused is required as recovery of weapons of offence is yet to be effected in this case. So, it is prayed that bail application may be dismissed.

5. I have heard the Ld. counsel for the applicant-accused as well as the Ld. Public Prosecutor for the State and perused the record carefully.

6. As per allegations in the FIR, the applicant-accused alongwith his co-accused caused injuries on the person of complainant with sharp edged weapons by forming an unlawful assembly, which was armed with deadly weapons like iron rod, revolver etc. Co-accused Mani fired a shot from his revolver with intention to kill the complainant, but in order to save himself complainant laid on the ground. Co-accused Jyoti had also fired a shot in the air. The weapons of offence are yet to be recovered and for this purpose the custodial interrogation of the applicant-accused is required in this case. The pre-arrest bail is to be granted in very exceptional circumstances and not in routine. The custodial interrogation is definitely more elicitation oriented since a person couched in comparative safety of the pre-arrest bail would certainly not disclose all the facts within his knowledge. Therefore, keeping in view the seriousness of allegations, gravity of the offence and the manner, in which, offence has been committed, this Court is of the view that applicant-accused is not entitled to any relief of anticipatory bail. As such the bail application filed by the applicant-accused stands dismissed.

7. The observations made by this Court while deciding this bail application are only for the limited purpose of adjudication of the present bail application and, as such, are not to be construed as an expression on the merits of the case (criminal trial). Police record be returned and file of bail application be consigned to record room.

Announced in open Court:  
Dated: 02.08.2024

**(Karamjit Singh Sullar),  
Additional Sessions Judge,  
Hoshiarpur (UID No.PB0141).**

*Kulvinder Singh JW*  
Direct dictation