

BA2072 Nawab Hussain & Anr. Vs.State & Anr.
(CNR No.PBHO010063292024)

Present: Ms.Nitika Suri, Advocate counsel for the bail applicants/accused
Sh.Pawanpreet Singh, Addl.Public Prosecutor for respondent No.1/
State.
Sh.Shivam Sharma, Advocate, counsel for respondent No.2/
complainant.

1. This application under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 of the Code of Criminal Procedure for grant of pre-arrest bail was filed by bail applicants/accused Nawab Hussain and Ajay Rana alias Gandhi on 22.07.2024. Upon notice, respondent No.1/State appeared and contested the bail application. Sh.Shivam Sharma, Advocate appeared on behalf of respondent No.2/complainant and filed power of attorney to assist the prosecution. Record from the court of Learned Area Magistrate was also requisitioned.

2. Arguments heard. Record perused. On filing of a criminal complaint on 05.07.2019 and on considering the preliminary evidence led by the complainant, the bail applicants/accused alongwith their co-accused have been summoned vide order dated 16.08.2023 for commission of offence punishable under Sections 193, 195, 182, 120-B of Indian Penal Code and Section 25, 27 of Arms Act relating to an occurrence dated 03.01.2019, which took place at 09:15/09:30 PM in the area of Hotel Royal Plaza, Hoshiarpur. Allegations against them are of fabrication of a gunshot injury on the person of Ajay Rana on the basis of which statement was made by Nawab Hussain before the police to set the criminal law in motion against the complainant party. On the basis of said statement dated 06.01.2019, DDR entry was recorded as the offence at that stage was found to be under

Section 323, 506, 149 of Indian Penal Code. A cross case bearing FIR No.3 dated 04.01.2019 under Section 307, 323, 341, 186, 353, 332, 427, 148, 149, 379-B, 120-B of Indian Penal Code and Section 25, 27 of Arms Act, Police Station Sadar, Hoshiarpur, was registered against the complainant party. The investigation was conducted by Special Investigating Team which found that the gunshot injury on the person of Ajay Rana has been fabricated. Thereupon, FIR No.15 dated 07.02.2019, under Sections 193, 195, 182, 120-B of Indian Penal Code and Section 25, 27 of Arms Act, Police Station Sadar, Hoshiarpur, was registered. On completion of investigation, final report is stated to be presented before the court of Learned Area Magistrate for commission of offence punishable under Sections 323, 325, 427 of Indian Penal Code only. Thereupon, the complaint was filed against the bail applicants/accused wherein they have been summoned vide order dated 16.08.2023. In said case FIR No.15 dated 07.02.2019, under Section 193, 195, 182, 120-B of Indian Penal Code and Section 25, 27 of Arms Act, Police Station Sadar, Hoshiarpur, the bail applicants/accused were granted pre-arrest bail by the court of then Learned Additional Sessions Judge, Hoshiarpur, vide orders dated 16.02.2019 and 20.02.2019. Thus, when in the FIR recorded on the same facts, the bail applicants/accused were granted pre-arrest bail by the then Learned Additional Sessions Judge, Hoshiarpur, they are entitled to grant of bail in the present complaint case, which is based on the same facts.

3. Therefore, the bail applicants/accused are directed to surrender before the Learned Trial Court/Duty Magistrate within a period of one week and if they do so, they be admitted to bail on their furnishing personal bond

in the sum of ₹50,000/- with one surety of the like amount each to the satisfaction of the Learned Trial Court/Duty Magistrate. Copy of this order be sent to the court concerned for compliance. Trial Court record be returned immediately. This file be consigned to record room.

Pronounced in open court on:
29.07.2024
Suresh Sood, Stenographer

(Dilbagh Singh Johal)
Sessions Judge, Hoshiarpur.
(UID No.PB0069)