

Gagandeep Singh @ Gaganjit Singh Vs. State of Punjab1

**IN THE COURT OF PARMINDER SINGH GREWAL,
ADDITIONAL SESSIONS JUDGE, MALERKOTLA.
(Unique Identification No.PB0438)**

CIS Regst.No.....BA/215/2024
CNR No.PBSGF40073992024
Date of Institution....09.12.2024
Date of Order.....17.12.2024

Gagandeep Singh @ Gaganjit Singh aged 22 years son of Davinder Singh Munde, resident of Village Bhaini Khurd (Mohammad Nagar), Amargarh, Malerkotla.

....Accused/Applicant

Versus

State of Punjab

FIR No.142 Dated 25.10.2024
u/s 109(1), 333, 115(2), 126(2), 351(3), 190, 191(3) of the
BNS, 2023
Police Station: Amargarh

**Application for grant of regular bail to the
accused/applicant in the above noted FIR**

Present: Mr. Mohammad Qasim, Advocate for the petitioner
Ms. Ravinderpal Kaur, Addl. Public Prosecutor for the State
assisted by ASI Narinder Kumar, No.977/SGR

ORDER:

1. This order of this court shall dispose of the present bail petition filed in case FIR No.142 dated 25.10.2024, u/s 109(1), 333, 115(2), 126(2), 351(3), 190, 191(3) of the BNS, 2023 registered at Police Station Amargarh for releasing the present petitioner on regular bail.
2. Ld. counsel for the petitioner has submitted that the present petitioner is a peace loving and law abiding citizen of India and he has not committed any offence at all. He has further submitted that the present

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petitioner has been falsely implicated in the present FIR case. He has further submitted that the present petitioner has been in judicial custody since long. He has further submitted that the petitioner Feroz Khan was given injuries on his head being dangerous to life by the complainant and thereafter, the aforesaid Feroz Khan was admitted to the Civil Hospital, Malerkotla from where he was further referred to the Rajindra Hospital, Patiala. He has further submitted that the police in connivance with the complainant party has got registered false cross-version case with the delay of one day and that delay in registration of cross-version case is unexplained in the present case. He has further submitted that the injuries as alleged have never been caused by the present petitioner. He has further submitted that neither anything is to be recovered from the present petitioner nor he is required for further investigation. He has, thus, prayed that the present bail petition may kindly be allowed.

3. On the other hand, Ld. Additional P.P. for State has submitted that the petitioner along with his other co-accused has assaulted the complainant, his nephew and his friend Manjot Singh and has committed the offence of rioting. She has further submitted that the petitioner along with his co-accused had attacked the complainant along with his nephew and his friend with swords, gandasas, iron dah, etc. and they inflicted numerous injuries on the persons of the complainant party with the aforesaid deadly weapons in furtherance of their common object of the unlawful assembly formed by them and therefore, the present bail petition

may kindly be dismissed.

4. This court has heard ld. counsel for the petitioner as well as ld. Additional Public Prosecutor for State and have perused the record of the present case with their able assistance.

5. This Court is of the considered view that as per the allegations levelled against the present petitioner in the present FIR case, Harjeet Singh, the complainant got recorded his statement to the police that he was present Sarpanch of the Village Sangala and he had contested the Panchayat Elections, 2024 for the post of Sarpanch of the Village Sangala, while Tarsem Singh son of Gurdev Singh resident of Village Sangala contested the aforesaid elections against the complainant and he has won the aforesaid election on 15.10.2024. It has been further alleged that on dated 24.10.2024 during night time, he was present at his house along with Manjot Singh and at about 10:45 PM, they heard noise outside the house of Gagandeep Singh, the nephew of the complainant and when they came outside, they saw that the co-accused Feroz Khan @ Vicky armed with sword and the co-accused Maninder Singh @ Manna armed with iron rod fitted with grari (round bearing) were beating Gagandeep Singh, the nephew of the complainant. It has been further alleged that when the complainant and Manjot Singh tried to rescue Gagandeep Singh, the nephew of the complainant, then in the mean time, one white coloured Verna Car came from the Malerkotla side, which was being driven by the co-accused Jaskaran Singh and the petitioner Gagandeep Singh @

Gaganjit Singh son of Devinder Singh, the co-accused Dilpreet Singh and two unknown persons were riding in the aforesaid car. It has been further alleged that immediately after reaching there, the aforesaid co-accused Jaskaran Singh drove his car towards the complainant Harjeet Singh with an intention to kill him and the aforesaid car struck into the legs of the complainant, as a result of which, injuries were sustained on both knees of the complainant and the complainant fell on the ground. It has been further alleged that then the aforesaid co-accused Jaskaran Singh reversed his car backwards and again tried to ram his car into the complainant but the complainant stood up and moved aside. It has been further alleged that thereafter, five occupants of the car alighted from the aforesaid car. It has been further alleged that the petitioner Gagandeep Singh @ Gaganjit Singh was armed with iron rod, the co-accused Jaskaran Singh was armed with iron dah and the co-accused Dilpreet Singh was armed with baseball bat, while both the unknown co-accused were armed with iron rods. It has been further alleged that the co-accused Maninder Singh @ Manna inflicted blow of the iron rod fitted with garari (round bearing) on the right ankle of the complainant and the co-accused Jaskaran Singh raised the blow of iron rod towards the mouth of the complainant, but in order to save himself, the complainant raised his right hand and the aforesaid blow struck on the little finger and ring finger of the complainant. It has been further alleged that the co-accused Feroz Khan @ Vicky raised the blow of the sword from its reverse side towards the complainant and in order to

save himself, the complainant raised his left hand and the aforesaid blow struck on the left thumb of the complainant. It has been further alleged that then the complainant raised alarm “Marta-Marta” and being frightened, the complainant ran inside his house but all the aforesaid accused persons had also entered the house of the complainant and encircled him and then they beaten up the complainant in the court-yard. It has been further alleged that Harpreet Kaur, the wife of the complainant and Gurjeet Singh, the brother of the complainant had also came in the court-yard and raised alarm “save, save”, as a result of which, huge crowd of the passers-by gathered at the spot and the present petitioner along with other co-accused ran away from the spot along with their respective weapons in the aforesaid white coloured car and motorcycle bearing registration no.PB-10-AZ-09477 make CD-100 SS of black colour, while threatening the complainant for life.

It has been further alleged that thereafter, Gagandeep Singh, the nephew of the complainant told the complainant that few days before the Panchayat Elections, the co-accused Feroz Khan @ Vicky had threatened the aforesaid Gagandeep Singh, the nephew of the complainant to cast his vote in the Panchayat Elections in favour of the aforesaid Tarsem Singh and thereafter, on dated 15.10.2024, the aforesaid co-accused Feroz Khan @ Vicky had again met the aforesaid Gagandeep Singh, the nephew of the complainant and told him that he has not cast his vote as per his wish and as such, he should be taught a lesson for this.

It has been further alleged that as per MLR bearing no.GS/522/MLK/2024 dated 25.10.2024 of the complainant, total 5 injuries are alleged to have been inflicted upon his person.

It has been further alleged that as per MLR bearing no.GS/523/MLK/2024 dated 25.10.2024 of the injured Gagandeep Singh, total 4 injuries are alleged to have been inflicted upon his person and as per MLR bearing no.GS/521/MLK/2024 dated 25.10.2024 of the injured Manjot Singh, total 4 injuries are alleged to have been inflicted upon his person.

Furthermore, the arguments raised by the Learned counsel for the petitioner pertain to disputed question of facts, which can only be ascertained after completion of investigation and after leading of evidence during trial and thus, the same are not of any help to the petitioner at this preliminary stage of investigation qua the petitioner.

6. In view of the reasons discussed herein before and after keeping in view the gravity and seriousness of the alleged offences and the aforesaid total 13 injuries inflicted on the person of the complainant and the aforesaid other two injured persons, the petitioner is not entitled to be released on bail in this case and thus, the present bail petition filed by the petitioner for releasing him on regular bail, is hereby dismissed.

7. The opinion expressed herein above shall not be construed as an expression of opinion on the respective merits of the case and the same shall be construed as the opinion expressed for deciding this bail petition

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only. Investigation record be returned. File be consigned to the record room.

Pronounced in open Court.

Date: 17.12.2024

Parminder, Stenographer Gr.-I

(Parminder Singh Grewal)

Additional Sessions Judge,

Malerkotla. UID No.0438