

**IN THE COURT OF JAGMOHAN SINGH SANGHE
ADDITIONAL SESSIONS JUDGE, AMRITSAR
(UID NO.PB0447)**

Case Details

Case Type	BA	
Filing No.	4086/2018	Filing Date : 07.05.2018
Regn. No.	BA/2106/2018	Date of Regn. 08.05.2018
CNR No.	PBAS01-006029-2018	
Date of order	15.05.2018	

S T A T E

Versus

1. Khushpal Singh @ Happy aged 26 years son of Rajinder Kumar,
2. Dheero @ Renu aged 53 years wife of Rajinder Kumar, resident of Dashmesh Nagar, Kot Khalsa, Amritsar.
3. Charanjit Bawa @ Bittu aged about 47 years son of Mahant Bhan Dass,
4. Avtar Chand @ Avtar Bawa aged about 43 years son of Mahant Bhan Dass,
5. Veero @ Veer Rani aged about 65 years wife of Mahant Bhan Dass, all residents of village Kaler, Abadi Ram Tirath, Amritsar.

...Applicants

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FIR No. 58 dated 02.05.2018.  
U/s. 308/356/506/427 IPC.  
Police Station Lopoke, Amritsar.

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First Bail application Under Section 438 Cr.PC.

Present: Shri Sanjay Dhingra, Advocate counsel for the applicants.
Shri NK Gupta, Additional PP for the State
Shri Anil Kumar Sharma, Advocate.

ORDER:

1. By this order, this Court intends to deal with this bail application under Section 438 Cr.P.C having been filed by applicants Khushpal Singh @ Happy, Dheero @ Renu, Charanjit Bawa @ Bittu, Avtar Chand @ Avtar Bawa and Veero @ Veer Rani.

2. Brief allegations against the applicants are that on 18.12.2017, complainant Nirmala Rani alongwith her husband Rakesh Kumar had gone to attend the last rites of one Raji wife of Rakesh Kumar, who was their near relative. After the completion of Bhog ceremony, applicants/accused are stated to have called the husband of the complainant on the pretext of having a talk with him on some important issue but, after calling him outside the house, they assaulted the husband of the complainant. When the complainant went there to rescue her husband, applicants/accused are stated to have tried to strangle her with the help of her Dupatta.

3. Notice of the bail application was served upon the State through learned Additional PP alongwith copy of bail application, who received the same, appeared and contested the bail application on merits. Police record was also requisitioned which has been received and perused.

4. Learned counsel for the applicants has argued that there is a considerable delay of about 8 days in registration of the FIR and no offence under section 308 IPC is made out in the absence of any injury on the person of complainant. It is argued that all the offences except the offence under section 308 IPC are bailable in nature and even as per the bare allegations merely an attempt is stated to have been made by the applicants. It is argued that nothing is to be recovered from the applicants who may be allowed to join the investigation for the progress of the same.

5. The learned Additional PP assisted by Shri Anil Kumar Sharma, Advocate has argued that the allegations against the applicants/accused are serious and specific in nature and that the offence under section 308 IPC is a serious offence wherein, none of the accused deserve the concession of anticipatory bail.

6. I have heard the respective submissions of both the sides and carefully gone through the file.

7. Admittedly, the offences involved in this FIR except the offence under section 308 IPC are bailable in nature. Offence under section 308 IPC has been included in this FIR on the basis of allegations that the accused tried to strangle the complainant with the help of her Dupatta. Apparently, there is no medico-legal report on the file regarding any injury having been received by complainant on account of said act of

the accused. Before finally adjudicating upon this bail application on merits, this court deems it appropriate in the given circumstances to direct the applicants to join the investigation. As such, applicants are directed to join investigation within three days from the date of this order and in the event of their arrest IO/Arresting Officer concerned is directed to release them on interim bail on their furnishing bail bonds to the sum of Rs. 50,000/- with one surety in the like amount each to his satisfaction, subject to the conditions under Section 438(2)Cr.P.C.

8. Bail application is adjourned to 21.05.2018 for final arguments.

Pronounced in open Court
Dated: 15.05.2018

(Jagmohan Singh Sanghe)
Additional Sessions Judge
Amritsar:UID no.PB0447

**dalipkumar*
Stenographer Grade-I.

Next date: 21.05.2018

Purpose _____