

IN THE COURT OF RAKESH KUMAR,
ADDITIONAL SESSIONS JUDGE,
KAPURTHALA.

CNR No. PBKP010057832022



Case No. BA/2351/2022

Presented on : 21-11-2022
Registered on : 22-11-2022
Date of Order : 06.12.2022
Next date of hearing : 20.12.2022

Karan @ Karan Dadra, s/o Parshotam Lal, aged about 17 years, through his mother Indu Bala, wife of Parshotam Lal, aged about 45 years, r/o Street No.19, Palahi Gate, Tehsil Phagwara, District Kapurthala. Presently residing at Kehrha Masjid City Phagwara, District Kapurthala.

... Applicant/Juvenile

Versus

State of Punjab.

FIR No.205 of 16.10.2022,
U/s 323, 324, 452, 427, 506, 148, 149 of Indian Penal Code,
Police Station City Phagwara.

(Application for bail under Section 438 of Cr.P.C)

Present: Sh.Harinder Kaul, Adv., counsel for the applicant/ juvenile.
Ms.Aarti Mehta, Addl. Public Prosecutor for the State.

O R D E R

Record perused. The present bail application has been moved by above named applicant/ juvenile Karan @ Karan Dadra under Section 438 of Cr.P.C, pertaining to criminal case registered vide FIR No.205 of

16.10.2022, as stated above.

2. The learned counsel for the applicant/ juvenile has argued that he has been falsely implicated in the present case. No injury has been attributed to the applicant. There is no direct or indirect evidence against the applicant. Nothing is to be recovered from the applicant. There is delay in lodging the FIR. Accordingly, the applicant/ juvenile is deserving the concession of anticipatory bail.

3. So far the maintainability of anticipatory bail of a juvenile, it has been cited ***Krishan Kumar Minor through his Mother Vs. State of Haryana, decided by the Hon'ble Punjab and Haryana High Court on 24.07.2020 in CRM-M-19907 of 2020***, wherein, it is held that an anticipatory bail of a minor through his guardian is maintainable as of the present applicant Karan @ Karan Dadra.

4. Finally, it has been argued that it is nothing to warrant his custodial interrogation. The applicant is ready to join the investigation proceedings which are formal in nature. Therefore, he is entitled to the concession of anticipatory bail.

5. On the other hand, learned Addl. PP for the State prayed for dismissal of the bail application on the sole ground that the gravity of offence does not warrant the concession of anticipatory bail to the present applicant/ juvenile. Any such compromise does not dilute the gravity of offence.

6. I have heard the submissions made by learned counsel for the applicant/ juvenile and learned Addl. PP for the State. First of all, in view of citation of ***Krishan Kumar's case (supra)***, the present anticipatory bail application of a juvenile is maintainable.

7. The allegations in the present case are that complainant Balwinder Kaur got recorded her statement that on 12.10.2022 at about 09.00/ 09.30 PM, she along with her mother Nirmal Kaur and son Pardeep Saini @ Fateh, was present at her house. In the meantime, friend of her son namely Tarun Kumar Verma @ Nona came to her house. Afterwards, some unknown persons came there while raising slogans. Out of the said persons, Rajvir Singh @ Mauli raised a slogan to catch hold said Fateh and Nona. The said Fateh and Nona immediately entered into the house and bolted the gate. However, the said assailants i.e. Rajvir Singh @ Mauli and his other associates started beating their gate with *datar*, *gandasa*, *khanda* and rods. Finally, they entered into the house of complainant Balwinder Kaur by damaging their gate and assailed upon son of complainant namely Pardeep @ Fateh and his friend Tarun Kumar Verma. They gave them injuries with their respective weapons. Thereafter, the son of complainant and his friend ran away from the spot. However, the aforesaid assailants damaged the household articles, etc. at the house of complainant. Upon raising clamour by the complainant, the said assailants ran away from the spot by threatening the complainant party. Afterwards, complainant Balwinder Kaur came to know the names of said assailants as Rajvir Singh @ Mauli, Gaurav, David, Karan, Vishal and other 6/7 unknown persons.

8. The only non bailable offence is under section 452 of Indian Penal Code, however, all other offences are bailable. No specific injury has been attributed to the applicant/ juvenile. Moreover, the injuries are declared simple in nature. The applicability of section 452 of Indian Penal Code is a matter of evidence. So, the custodial interrogation of the applicant/ juvenile, in my opinion, in the given facts and circumstances of the case, is not

required. So, it warrants formal joining of investigation proceedings by the applicant/ juvenile to give the logical end to that occurrence. As such, the applicant/ juvenile has been held entitled to the concession of anticipatory bail to him.

9. Consequently, without commenting on the merits of the case, the present applicant/ juvenile Karan @ Karan Dadra is, hereby, directed to surrender before the Investigating/Arresting Officer **within 10 days from today** and on his surrendering, he will be admitted on interim bail on furnishing the bail bonds and surety bonds subject to the satisfaction of Arresting Officer. Failing to comply this order within that prescribed period by the applicant/ juvenile, this order shall stand vacated of interim bail to him. This order of interim bail to the applicant/ juvenile is subject to the compliance of necessary provisions of Section 438 (2) of the Code of Criminal Procedure by them. Police record be returned accordingly.

Let compliance report and further progress report qua that investigation proceedings be awaited for 20.12.2022.

Pronounced in open Court.

Dated: 06.12.2022

Kaushal

(Directly dictated on computer)

(Rakesh Kumar)
Addl. Sessions Judge,
Kapurthala.
UI Code – PB0138