

**IN THE COURT OF VIKRANT KUMAR,
ADDITIONAL SESSIONS JUDGE,
MOGA (UID No.PB00213).**

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CNR No.PBMO010058152022
CIS Filing No.BA/2246/2022.
Date of order : 28.09.2022.

State Versus Kuldeeep Singh @ Manak son of Balwinder Singh,
resident of Village Indergarh, Tehsil Dharamkot,
District Moga.

----Applicant-accused

FIR No.205 dated 27.08.2022
Under Sections : 324,323,452,148,149 IPC.
(Lateron added 326 IPC)
Police Station : Dharamkot.

Bail Application under Section 439 Cr.P.C.

Present :- Shri Anshuman Syal, Additional Public Prosecutor for State.
Shri Amit Kumar, Advocate for applicants-accused Kuldeeep Singh.

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ORDER

1. The brief facts of the case, which require consideration for disposal of the present bail application are that present FIR was registered on the statement of complainant Ram Singh son of Harbans Singh. It is alleged that on 23.08.2022 at about 9.00 p.m., he along with his family was chatting on the roof of his house. Pinky wife of Sukhdev Singh @ Pappa called his brother Nirbhai Singh to open the door. As his brother was taking dinner, thus he opened the door. He saw Jagraj Singh @ Tota son of Madho Singh armed with kirpan; Sony son of Tota Singh armed with kirpan. Sukhdev Singh @ Pappa son of Tota Singh armed with kirpan, Manak son of Billa armed with kirpan, Gurmail Singh son of Madho Singh armed with kirpan were standing in the street. They were accompanied by 5-6 unknown persons with muffled faces armed with sticks and blunt weapons. Jugraj Singh @ Tota raised lalkara. At this Sony gave kirpan blow hitting right side of his head. Manak Singh also gave kirpan blow. Gurmail Singh gave kirpan blow hitting above wrist of his left hand. He fell on the ground. Sukhdev Singh gave kirpan blow hitting his left leg above knee. Thereafter all the accused caused injuries to him on right leg, right foot and left food above knee with their respective weapons. He raised alarm. At this his cousin Nirbhai Singh and his father Harbans Singh came. They also caused injuries to his father

Harbans Singh. People gathered there. At this, all the accused ran away from the spot with their respective weapons. They were taken in Ambulance-108 and were admitted in Civil Hospital, Moga. It is alleged that accused wanted to dominate in their house and they oppose them, Due to this grudge, all the accused in connivance with each other inflicted injuries to them. Talks for compromise were going on, but could not materialized.

2. On the basis of above said statement, FIR under Sections 323, 324,148,149 IPC was registered. Lateron, on receipt of x-ray report, offence under Section 326 IPC was added, vide DDR No.16 dated 29.08.2022. The accused-applicant could not be arrested. Accused-applicant is in custody since 2.09.2022. Thus, he has filed the present bail application.

3. I have heard learned counsel for the applicant-accused as well as learned Additional Public Prosecutor and have gone through the record.

4. From perusal of FIR, it transpires that allegations against accused -applicant is that he in connivance with each other inflicted injuries on the person of complainant and his father Harbans Singh. Allegations against applicant-accused is that he gave kirpan blow on the person of complainant /injured. Injury under Section 326 IPC is attributed to co-accused Sony son of Jugraj Singh @ Tota Singh. Weapon of offence has already been recovered. The accused-applicant is in custody since 2.09.2022. Co-accused Pinky, Jugraj Singh, Gurmail Singh and Sukhdev Singh are already on anticipatory bail. Thus, Principle pf Parity applies in the present case. No useful purpose will be served by detaining applicant-accused in custody. Presentation of challan and conclusion thereof will take considerable time. As such, bail application filed by accused-applicant Kuldeep Singh @ Manak is allowed and he is ordered to be released on bail on his furnishing bail bonds to the satisfaction of learned Illaqa/Duty Magistrate. Copy of this order be sent to learned Illaqa Magistrate. File be consigned to the record room.

Pronounced.
Dated :- 28.09.2022.
Jagjit Singh Panesar, Stenographer-I

(Vikrant Kumar)
Additional Sessions Judge,
Moga (UID No.PB00213).