

BA/3678/2019

CNR No. PBLD01-018781-2019.

State Vs. Jasveer Singh

Present - Sh. Hempal Singh, Advocate for the applicant.
Sh. M.L. Bathla, Additional PP for the State assisted by
Sh. Pavittar Singh Barn, Advocate for injured Satnam Singh.

Police record received, perused and returned. Arguments on the present application for anticipatory bail under Section 438 Cr.P.C. filed by applicant Jasveer Singh, heard. On filing of this bail application, notice of the same was issued to the State and in pursuance of that notice, the ld. Addl. P.P. appeared on behalf of the State to contest the present bail application. The present case bearing FIR No.89 dated 27.04.2019 under Sections 323/341/506 IPC later on added Section 307 IPC was registered at P.S. Samrala, District Ludhiana, on the basis of the statement of complainant Kalia Singh son of Labh Singh resident of Village Kulewal, P.S. Samrala, District Ludhiana, wherein he stated that he is resident of above said address and he used to do the work of Paledari in FCI Depot Jamalpur. After performing his duty, he (complainant Kalia Singh) had gone to his house, but as he was not feeling well, so he had come outside his house and was going to take medicine from Dr. Harpal Singh. At that time, Satnam Singh had come there on his motorcycle and then, he (complainant Kalia Singh) had requested said Satnam Singh to drop him at the house of Dr. Harpal Singh. After then, both of them had started to go towards the house of said Dr. Harpal Singh and when they had reached near the house of Dr. Harpal Singh, then Harjit Singh @ Noni son of Kulwant Singh armed with pipe, Gurdeep Singh @ Deepa son of Surjit Singh armed with iron dah, Sethi son of Marru Singh armed with baseball bat, Gagandeep Singh @ Gaggi son of Gurmail Singh, Vicky son of Gurmeet Singh armed with wooden stick, Jasvir Singh son of Ram Ji Singh and Santokh Singh son of Labh Singh all residents of Village Kulewal, were already standing out the kiryana shop of Balvir Singh. After then, Santokh Singh raised

lalkara that “Aaj Na Jaan Deo”, upon which, all the above said persons had stopped his (complainant Kalia Singh's) motorcycle whereas Santokh Singh alongwith Jasvir Singh had caught hold of him (complainant Kalia Singh) from his arms and they had started to give beatings to him. Then, Deepa had given iron dah blow on his (complainant Kalia Singh's) head whereas Harjit Singh had given iron pipe blow on his (complainant Kalia Singh's) left shoulder, resulting of which, he fall on the ground and the above said persons had started to give beatings to him with their respective weapons while he was lying on the ground. Above said persons had also given beatings to Satnam Singh, who had received injuries on his head and other parts of his body. After then, he (complainant Kalia Singh) had raised alarm, upon which, Inderjit Singh had come at the spot, who had tried to save him (complainant Kalia Singh) and said Satnam Singh from the clutches of above said persons, but the said persons had also given beatings to said Inderjit Singh. The motive behind the said attack by above said persons upon him (complainant Kalia Singh) is that Naaginder Kaur wife of above said Gurdeep Singh @ Deepa had lost the elections of Sarpanch and they (complainant Kalia Singh and others) had casted their votes in favour of other party. After then, he (complainant Kalia Singh and above said Satnam Singh) had raised alarm of ‘marta-marta’, resulting of which, several people had started to gather at the spot, due to which, the above said persons had fled from the spot alongwith their respective weapons. Thereafter, Ravinder Singh and Gurdeep Singh had arranged private vehicle and they had taken him (complainant Kalia Singh) and said Satnam Singh to Civil Hospital, Samrala for treatment, but as there were serious injuries on their respective bodies, so they were referred to DMC and Hospital, Ludhiana. Action may be taken against the above said persons. Then, the present case was registered and investigation was initiated, during which, Satnam Singh son of Surjit Singh resident of Village Kulewal, P.S. Samrala, District Ludhiana got recorded his

statement vide GD No.43 dated 27.04.2019 P.S. Samrala, District Ludhiana, wherein he stated that he is resident of the address stated above and he has installed machine for manufacturing the spare parts of sewing machine in the village. On 25.04.2019 at about 09.00 PM, he (Satnam Singh) was going towards his factory on motorcycle bearing no. PB-26-B-8520 to give dinner to the watchman. In the way, Kalia had met with him (Satnam Singh) and he had requested him to drop him in the house of Dr. Harpal Singh. When they were just behind the house of said doctor, then Harjit Singh @ Noni son of Kulwant Singh armed with iron pipe, Gurdeep Singh @ Deepa son of Surjit Singh armed with iron dah, Sethi son of Marru Singh armed with baseball bat, Gagandeep Singh @ Gogi son of Gurmail Singh, Vicky son of Gurmeet Singh armed with stick, Jasvir Singh son of Ram Ji Singh and Santokh Singh son of Labh Singh, Satnam Singh son of Ghola Singh, Jagpreet Singh @ Yoni son of Gurmeet Singh all resident of Kulewal were already standing outside the kiriyana shop of Balvir Singh. After then, Santokh Singh raised lalkara that "Aaj Satnam Singh Te Kale Nu Jaan Na Deo", upon which, all the above said persons had stopped their (Satnam Singh and Kalia's) motorcycle and then, Santokh Singh alongwith Jasvir Singh had alighted them from the motorcycle. Then, Deepa had given iron dah blow on his (Satnam Singh's) head with intention to kill him whereas Harjit Singh @ Noni had given iron pipe blow on his (Satnam Singh's) left shoulder. After then, above said Balvir Singh had come out from his shop and raised lalkara that "Ehna Nu Panchayati Vota Da Swad De Deo." After then, all the above said persons, in connivance with each other, had given beatings to him (Satnam Singh) and Kalia. Action may be taken. On this statement of said Satnam Singh, offence under Section 307 IPC was added in the present FIR. After hearing rival contentions of both the sides and going through the file carefully, this Court is of the considered view that the contentions of the ld. counsel for the applicant have got force as the only allegation against the applicant is that he was present

at the place of occurrence armed with wooden stick and then, applicant Jasveer Singh alongwith co-accused/non-applicant Santokh Singh had alighted complainant Kalia Singh from the motorcycle of injured Satnam Singh. Except this, no other overt act or any specific injury is attributed to the applicant. Besides this, the allegations regarding inflicting injuries to complainant Kalia Singh and injured Satnam Singh are attributed to other co-accused/non-applicants. In these circumstances, this Court is of the considered view that no useful purpose would be served by sending the applicant in police custody, due to which, prima facie case is made out in favour of the applicant. Hence, the applicant is directed to join investigation as and when called by Investigating Officer and in the event of his arrest, the applicant shall be admitted to interim bail to the satisfaction of Investigating Officer concerned. Now, the present bail application stands adjourned to 03.06.2019 for further arguments, on which date, the I.O. shall come present in the court along with the record.

Sd/-

(Karamjit Singh Sullar)
Addl. Sessions Judge, Ludhiana.
(UID-PB0141).

Announced on : 31.05.2019.
Deepak Sharma/SG.