

**IN THE COURT OF SH. SANDEEP S. JOSSAN (PB0150)
ADDITIONAL SESSIONS JUDGE, FAZILKA.**

**BA No. 2340 of 03.12.2019
CNR No.PBFZC0-006323-2019
Decided on :- 06.12.2019**

Dharam Pal, aged 20 years, son of Sukhram, resident of village
Sardarpura, Tehsil Abohar, District Fazilka.

Versus

. . . Accused/applicant.

State of Punjab.

. . . Respondent.

FIR No. 57 of 27.05.2019
Under Section : - 452/323/148/149 IPC.
PS: Bahav Wala.

Bail application U/s 438 Cr.P.C.

Present: Addl. PP for the State.
Sh. Karan Maini, cl for the accused/applicant.

ORDER

1. This order disposes off bail application of accused described in detail herein above. Accusation leading to the registration of this FIR is that on 02.05.2019 when complainant was present at his shop, his son came and informed the complainant that Kuldeep Kumar alongwith other 10-15 persons after dismantling the wall of complainant is fixing a door. On this, complainant went there and saw

that Kuldeep Kumar, having Kapa, Hoshier having danda, Kamal having Danda, Shanti Devi having Danda were dismantling the wall and when complainant resisted them from doing so they attacked the complainant. On this, complainant entered his house and accused also entered the house of complainant and gave beatings to the complainant.

2. It is alleged on behalf of accused that FIR based on wrong and concocted facts. There is delay of 25 days in registering the FIR.

3. Application has been opposed by the State.

4. After hearing the learned counsel for both the sides and going through the matter laid before me, without expressing my opinion on the merits of the case, I am of the opinion that custodial interrogation of the accused in this case is not indispensable for effective investigation nor pre-trial custody will be in the interest of Justice. Resultantly, the application is allowed and it is ordered that in the event of arrest of the applicants-accused, described in detail herein above, accused be admitted to pre-arrest bail by the Arresting Officer, subject to the conditions as provided under section 438 (2) of Cr.P.C. i.e. accused shall join the investigation as and when so desired and directed by the investigating officer, that accused shall not give any

threat or inducement to the prosecution witnesses. The accused shall continue appearing in the Trial Court unless appearance is specifically exempted.

Before parting with this order. Let it be clear that all said and observed herein before is only for the purpose of deciding the application in hand shall not have any effect upon the merits or ultimate out come of the case.

Copy of this order be sent to the Trial Court. Record of present bail application is ordered to be consigned to the record room.

-Sd/-

Pronounced. Dated: - 06.12.2019	Sandeep S. Jossan PB0150 Additional Sessions Judge, Fazilka.
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typed by Sunil Kumar,
Stenographer Gr-1