

PBBT010052072021



Presented on : 22-07-2021
Registered on : 23-07-2021
Decided on : 16-08-2021
Duration : 0 years, 0 months, 25 days

**IN THE COURT OF SH. HIRA SINGH GILL,
ADDITIONAL SESSIONS JUDGE, BATHINDA
(UID PB-0153)**

**CNR No.PBBT01-005207-2021.
CIS No. BA-1852-2021
File No. 321 Dated 23.07.2021
Date of order : 16.08.2021**

Jaskaran Singh @ Gora son of Angrej Singh, resident of Village Behman
Koer Singh, District Bathinda. (aged about 25 years).

....Petitioner

Versus

State of Punjab

.....Respondent.

**FIR No.108 dated 29.05.2021.
Under Section 458/324/326/148/149 IPC.
Police Station Canal Colony, Bathinda.
(Petitioner was not named in the FIR and his name has
been added in this case vide GD No.019 dated
29.06.2021)**

**Bail application under Section 438 of Code of Criminal
Procedure.**

Present: Sh.S.S.Gill, Advocate, for applicant-accused.
Ms. Veenu Ghai, Addl.P.P. for the State.

ORDER

1. Bail application of petitioner u/s 438 Cr.P.C. is considered.
2. Above named applicant-accused is apprehending his arrest in
case FIR No.108 dated 29.05.2021, under Section 458/324/326/148/149 of

Hira Singh Gill
Additional Sessions Judge PB-0153

Indian Penal Code, registered at Police Station Canal Colony, Bathinda

3. The prosecution story in brief is that FIR was registered on the statement of complainant Vishal Singh to the effect that he is a driver. On 28.05.2021, he alongwith his family was sleeping in his room. About 10.00 P.M, Lakhwinder Singh @ Lakhi alongwith 14/15 other persons armed with sticks, kirch (long knife), gandasas and other deadly weapons came on Bolero vehicle. They knocked the door of their house. When they would not opened the door, they forcibly opened the door and attacked them. They caused injuries on his legs, arms and back. The motive of the occurrence was that Lakhwinder Singh @ Lakhi was having bad eyes on Manju Rani and teased her. When he stopped him from doing so, he attacked him. People gathered there in the street on hearing noise. On that accused persons ran away alongwith their weapons. They also taken gold chain and mobile phone make MI. He was admitted to the hospital.

4. The case of the petitioner is that he has been falsely implicated in this case. In supplementary statement, the complainant recorded that thee were only 2/3 persons alongwith Lakhwinder Singh. While in previous statement, he stated that there are 14/15 persons. There is delay of one day in recording the FIR. The grievous hurt is not attributed to the petitioner. The petitioner is ready to join investigation.

5. While, on the other hand, the learned Additional Public Prosecutor for the State has strongly contested the bail application by submitting that accused by forming an unlawful assembly committed

trespassed in to house of complainant, caused injuries including grievous injury on the person of complainant and took away mobile phone and gold chain. A case of granting of bail to the accused-applicant is not made out.

6. I have considered the rival submissions.

7. Petitioner alongwith non-applicant/accused by forming an unlawful assembly committed the house trespass in the house of the complainant and inflicted as many as 10 injuries including grievous hurt with sharp edged weapon. Theft of mobile phone and gold chain was also alleged to be committed. The weapon of offence, mobile phone and gold chain are yet to be recovered. However, there is change in number of co-accused persons in supplementary statement. The number of persons are not increased, rather decreased by stating that he thought bystanders who came on hearing raula as accused persons. The active role is attributed to the petitioner. Keeping in view the nature and gravity of the offence as accused-applicant by forming an unlawful assembly caused simple and grievous hurt with dangerous weapons and also stolen mobile phone and gold chain. Even such like offences also causes an alarm to the general public. In view of above, a case for granting pre-arrest bail to petitioner is not made out. Hence, the bail application under Section 438 Cr.P.C. is hence dismissed. File of this Court be consigned to the Judicial Record Room, Bathinda.

Pronounced in open Court.

Dated: 16.08.2021

Nirmal Singh

**(Hira Singh Gill),
Addl. Sessions Judge,
Bathinda
(UIDPB-0153)**

Hira Singh Gill
Additional Sessions Judge PB-0153