

**IN THE COURT OF JAAPINDER SINGH ADDITIONAL SESSIONS
JUDGE, FAZILKA. (UID NO.PB0235)**
Case Details

Case Type	BA
Regn. No.	BA-1899-2024
CNR No.	PBFZC000-4915-2024
Date of order	09.10.2024.

Balkaran Singh, aged about 59 years son of Roor Singh, resident of village Bandiwala, Tehsil and District Fazilka, now resident of village Jodhpur, Tehsil Abohar, District Fazilka.

...Applicant.

Versus

State of Punjab

...Respondent.

FIR No.43 dated 28.06.2024
U/s. 307/336/34 IPC and
U/s 25/27/54 of Arms Act
Police Station Sadar Abohar

Bail application Under Section 439 Cr.PC.

Present: Shri S.S. Dhaliwal, Advocate counsel for applicant.
Shri Amandeep Singh, Additional PP for the State assisted by
Sh. Chand Kumar, Advocate counsel for complainant.

ORDER:

1. Present application filed on behalf of applicant-accused Balkaran Singh, seeking regular bail in the matter, details of which have been referred above, shall be disposed of through this order.
2. Arguments of learned counsel for the applicant-accused and of learned Additional PP for the state, assisted by learned counsel for the accused, have been heard in the matter and record of the matter has been perused.
3. The facts of the matter, as per contents of the FIR and other documents/papers, are that on directions received from control room, SHO PS Bahavwala went to village Bahadur Khera in jurisdiction of Police Station Sadar Abohar as information was received regarding fighting between two groups at the village and SHO PS Abohar was busy

in another matter. Statedly, fight had taken place over dispute regarding turn of canal water between groups of Baldev Singh, Gurjant Singh and Satwinder Singh, on one hand and Meharban Singh, Jaskaran Singh, Balkaran Singh and Gurdeep Singh, on the other hand. Initially no person was found at the spot and of their residences and FIR was registered under sections 336 of IPC and 25/27 of Arms Act, against unknown persons. Thereafter, statement of Gurjant Singh son of Baldev Singh was recorded on 28.06.2024 i.e. same date, as per which, accused party comprising Jaskaran Singh, his son Meharban Singh and their worker Gurdeep Singh wrongly turned canal water into their fields at 8AM and dispute occurred between the parties which was sought to be settled by their common relative Gurmeet Singh, but accused Jaskaran Singh got infuriated and fired rounds from his revolver hitting Gurjant Singh on his left thigh and right ankle and hitting Baldev Singh on his left thigh and hitting Satwinder Singh on the calf of his right leg. Allegedly, present applicant-accused Balkaran Singh and two other persons were also present with the accused party and they kept exhorting the accused to teach a lesson to the complainant party.

4. It follows from a careful appreciation of rival contentions of learned counsel for the applicant-accused and of learned APP for the state, assisted by learned counsel for the complainant, that as per allegations in the matter, fire arm injuries have been caused on lower parts of bodies of Gurjant Singh, his father Baldev Singh and Satwinder Singh. No life threatening injury is alleged to have been caused to any person. Allegations of causing of fire arm injuries are made qua accused Jaskaran Singh. Only exhortation is imputed to applicant-accused Balkaran Singh, who is in custody since his arrest in the matter on 03.09.2024. Vital requirements of initial investigations qua the applicant-accused stand completed. It is argued on behalf of the prosecution/complainant that arrest of remaining accused is yet to be made, but it is not denied that accused Meharban Singh has been granted pre-arrest bail in the matter by the Hon'ble Punjab and Haryana High Court. Pending arrest of remaining

accused can not be the sole criteria for declining of relief of bail to the applicant-accused. Considering the entire facts and circumstances of the matter, nature of involvement of the applicant-accused alleged by complainant Gurjant Singh and the facts discussed above, further detention of the applicant-accused in custody is not justified and no purpose is to be served thereby. Allegations regarding involvement of the applicant-accused and regarding making of alleged exhortation by him shall be required to be established with cogent and convincing evidence.

5. Considering entire facts noted above, present application is allowed and applicant-accused Balkaran Singh is ordered to be released on bail on furnishing of bail bonds by him in sum of Rs.1,00,000/- with one surety in like amount, to the satisfaction of learned Illaqa/Duty Magistrate/Trial Court, subject to the following conditions:-

1. That the applicant shall attend the court on every date of hearing.
2. That the applicant shall not commit an offence similar to the offence of which he is accused.
3. That the applicant shall no directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer and shall not temper with the evidence in the matter.
4. That the applicant shall no leave the country without prior permission of the court.

Application stands disposed of and papers of the application be consigned to the record room.

Pronounced in open Court.
Dated:09.10.2024.
Jasvir Steno

(Jaapinder Singh),
Additional Sessions Judge,
Fazilka : UID no.PB0235

Balkaran Singh Vs State

Present: Shri S.S. Dhaliwal, Advocate counsel for applicant.
Shri Amandeep Singh, Additional PP for the State assisted by
Sh. Chand Kumar, Advocate counsel for complainant.

Arguments heard. Vide separate detailed order, application
for regular bail, stands allowed. File, complete in all respects, is ordered
to be consigned to the record room.

Dated:09.10.2024.
Jasvir Steno

(Jaapinder Singh),
Addl. Sessions Judge,
Fazilka : UID no.PB0235