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In the Court of Sh.R.S.Rai, Sessions Judge, Fatehgarh Sahib.
(Unique Identification No. PB0031)

Bail Application No.: 71
Date of Instt.: 26.2.2019
Case No. BA/190/2019
CNR No.PBFG01-000749-2019
Decided on : 28.2.2019.

1. Randhir Singh, aged about 50 years, son of Mukhtiar Singh, resident of Ward No.4.
2. Amandeep Singh, aged about 21 years, son of Randhir Singh (wrongly mentioned as son of Mukhtiar Singh in FIR), resident of Ward No.4.
3. Jasmail Singh alias Sonu, aged about 27 years, son of Harchand Singh, resident of Ward No.5.
4. Gurwinder Singh, aged about 24 years, son of Harchand Singh, resident of Ward No.5.
5. Sukhwinder Singh alias Sukha, aged about 30 years, son of Swaran Singh, resident of Ward No.4.
6. Hardeep Singh, aged about 30 years, son of Nirmal Singh, resident of Ward No.1.

All residents of village Shivdaspur, Tehsil and P.S. Bassi Pathana,
Distt. Fatehgarh Sahib.

.....Applicants/Accused.

Versus.

State of Punjab.

.....Respondent.

(2)

FIR No.17 dated 22.2.2019.
Under Sections 452, 323, 148, 149 of IPC.
Police Station- Bassi Pathana.

First Bail Application u/s 438 of Cr.P.C.

Present: Sh. Ikminderpreet Singh Adv. for applicants/accused.
Sh. DK Jain, Public Prosecutor for the State, assisted by
Sh.H.S.Sodhi Adv. for complainant Kuldeep Singh.

ORDER

Above named applicants/accused Randhir Singh, Amandeep Singh, Jasmail Singh @ Sonu, Gurwinder Singh, Sukhwinder Singh @ Sukha and Hardeep Singh, have moved this bail application u/s 438 of Cr.P.C, in a criminal case registered vide FIR No.17 dated 22.2.2019, U/Ss 452, 323, 148, 149 of IPC, registered at Police Station- Bassi Pathana, as stated above.

2. As per prosecution case, complainant Kuldeep Singh son of Ujjagar Singh r/o village Shivdaspur, Distt. Fatehgarh Sahib suffered a statement before the police on 22.2.2019. He stated that on 21.2.2019, he reached his house at about 8.00 p.m., after finishing his work. His brother Darshan Singh told him that Randhir Singh s/o Mukhtiar Singh, his son Amandeep Singh, Sonu s/o Harchand Singh, his brother Gurwinder Singh,

(3)

were having rounds of the houses of complainant party in Tinku Milkman's vehicle, by playing music system in loud voice. Darshan Singh asked said persons not to do so, but they did not stop, rather they crossed their vehicle over his foot. Complainant further stated that at that time, they were standing in front of their house and their co-villagers advised them to go inside their houses, as Randhir Singh etc., were drunk. Darshan Singh also informed village Sarpanch qua said incident and Sarpanch told him that he would see the matter next day. In the mean time, complainant party started taking dinner in their house. Said Randhir Singh etc., alongwith 4-5 persons, entered the house of complainant party and attacked them. They hurled brick-bats towards the complainant party, and brick-bats hit on the right hand fingers and left elbow of complainant. Thereafter, Randhir Singh inflicted "Datt" blow near right elbow of complainant. Hue and cry was raised there by the complainant and his other family members, upon which said accused fled from the spot. Complainant was taken to Hospital by his family members. Present case was registered against the accused party. Now apprehending their arrest in this case, applicants/accused Randhir Singh, Amandeep Singh, Jasmail Singh @ Sonu, Gurwinder Singh, Sukhwinder

Singh @ Sukha and Hardeep Singh, have moved this bail application u/s 438 of Cr.P.C.

3. Upon notice, Ld. P.P for State Sh.D.K.Jain appeared and Sh.H.S.Sodhi Adv. appeared on behalf of complainant Kuldeep Singh, and they opposed this bail application. Police record of this case was also produced.

4. I have heard Ld.counsel for applicants/ accused, Sh.Ikminderpreet Singh, Ld.PP for State Sh.D.K.Jain, assisted by Sh.H.S.Sodhi, Adv. for complainant, and have gone through the record pertaining to this case very carefully, with their able assistance.

5. First of all, I take up case of applicant/accused Randhir Singh. As per allegations of the complainant, Randhir Singh was armed with “Datt” (iron instrument for cutting). He inflicted “Datt” blow near right elbow of complainant Kuldeep Singh and he was drunk also at the time of occurrence. Said “Datt” is yet to be recovered, from him, for which his custodial interrogation is necessary. There is nothing on record to suggest that Randhir Singh is innocent or he has been falsely implicated in this case. Keeping in view the submissions of both parties, coupled with allegations of the

prosecution against Randhir Singh, no case is made out in his favour for concession of anticipatory bail. Accordingly, qua him, this bail application stands dismissed.

6. So far as case of remaining applicants/accused namely Amandeep Singh, Jasmail Singh @ Sonu, Gurwinder Singh, Sukhwinder Singh @ Sukha and Hardeep Singh, is concerned, their case is different, as compared to that of Randhir Singh. Only general allegations have been levelled against them. No specific injury is attributed to any of them. Nothing is to be recovered from them by the investigating agency. They have pleaded in this bail application that they are ready to comply with all the terms and conditions of the bail. Keeping in view the role attributed to these applicants/ accused, coupled with entire facts and circumstances of this case, a case is made out in their favour for concession of anticipatory bail in this case. Accordingly, qua them this bail application stands allowed and disposed of. In the event of their arrest in this case, each of them shall be admitted to bail to the satisfaction of arresting officer. They shall comply with section 438 (2) of Cr.P.C.

(6)

5. As a result of my above discussion, this bail application stands dismissed qua applicant/accused Randhir Singh, whereas it stands allowed qua applicants/accused Amandeep Singh, Jasmail Singh @ Sonu, Gurwinder Singh, Sukhwinder Singh @ Sukha and Hardeep Singh. Anything said in this order shall not affect the merits of the main trial in any manner. Police record be returned forthwith. Bail application file be consigned.

Pronounced in open court.
Dated: 28.2.2019.

(R.S. Rai)
Sessions Judge,
Fatehgarh Sahib.
(Unique Identification No. PB0031)

I attest to the accuracy and
authenticity of this document.