

State Vs Manpreet Singh

FIR No. 140 dated 07.12.2022

U/s 452/354/341/323/148/149 IPC

PS Khuian Sarwar.

Present:- Sh. Vinod Kumar Ld. APP for the State
Sh. Anil Kumar Setia Advocate for the accused/applicant Manpreet Singh.

Heard on the application for bail filed by the accused/applicant Manpreet Singh in case bearing FIR No. 140 dated 07.12.2022 under section 452/354/341/323/148/149 IPC Police Station Khuian Sarwar, Abohar.

2. The counsel for accused/applicant have averred that the present FIR was got registered by the complainant party at the first instance by using their own strong influence towards local administration with an ulterior motive to set up false counter blast/cross version case to save their skin from the offence committed by them. He further averred that there is unexplained delay of seven days (7) in lodging the present FIR i.e. the alleged occurrence took place on 01.12.2022 at about 10.00 AM whereas above noted FIR was registered on 07.12.2022, which gave sufficient time to the complainant to create a false story to involve the applicant and his family in false FIR. He further averred that the present FIR is counter blast to rapat No. 28 dated 24.12.2022 lodged on the complaint of Veerpal Kaur wife of present applicant Manpreet Singh whereby Veerpal Kaur had recorded that infact Sandeep Kaur complainant of present FIR kept opened the tap and the water thereof touched their wall and when she started putting the soil alongwith the wall then Sandeep Kaur scuffled with her and thereafter Sandeep Kaur and one Chhinda armed with kirpan came in her house for beating but the brother in law of Veerpal Kaur saved her from their clutches,infact, no such occurrence took place at the spot and the applicant and other have not committed any offence as alleged in the FIR. He further averred that conclusion of trial will take long time. Hence prayed to release the accused-applicant on bail.

3. But on the other hand, APP for the State has averred that the accused person should not be provided the benefit of bail since the offence alleged are serious in nature. Hence, he prayed for dismissal of bail application.

4. After hearing both the parties and perusing the police file, it is revealed that though applicant/accused Manpreet Singh has been named in the FIR by the complainant, but no specific injuries have been attributed to him. Moreover, it is revealed from the peculiar facts of the present FIR that the alleged injuries or the occurrence was not committed in the house of the complainant, rather it was committed in the house of accused. Further, it is revealed that cross version inform of rapat no. 28 dated 24.12.2022 was also registered against the complainant party on the basis of application of one of the co-accused namely Veerpal Kaur dated 02.12.2022, which was presented much prior to the registration of FIR on 07.12.2022. Therefore, it clearly depicts about the factum of mutual rivalry between the complainant party and the accused party.

5. In the considered view of the Court, though offence alleged under Section 452 of IPC against the applicant/accused is serious in nature, but the totality of the circumstances of each case is to be seen for the purposes of deciding the bail application. Therefore, keeping in view of the above stated observation regarding the actual place of alleged offence and non-attribution of particular injury to the applicant/accused Manpreet Singh, the Court deems it appropriate to enlarge the applicant on bail subject to his furnishing bail bonds in the sum of Rs. 75,000/- with one surety in the like amount.

6. At this stage necessary bail bonds/surety bonds furnished, accepted and attested. Release warrants of accused be issued. Papers pertaining to the bail application be tagged with the remand papers/main case file.

Date of order:-17.01.2023
Rajwinder Kaur
Steno-II

Sd/-Rubina Josan
Judicial Magistrate Ist Class
Abohar/UID-PB0540