

IN THE COURT OF MS. RANA KANWARDEEP KAUR CHAHAL,
ADDL. SESSIONS JUDGE, KAPURTHALA (UID NO.PB00223)

CNR No. PBKP010045382024



Case No. BA/1895/2024

Presented on : 11-09-2024
Registered on : 12-09-2024
Decided on : 23-09-2024

Bachitar Singh, s/o Raj Singh, aged about 32 years, r/o Village Mohalla
Santpura, PS City, District Kapurthala.

....Applicant/accused

Versus

State of Punjab.

...Respondent

FIR No.196 of 22.07.2024,
U/s 115(2), 118(1), 305, 331(6), 191(3), 190 of
BNS,
Police Station City Kapurthala, District
Kapurthala.

[Application for Bail U/s 483 of BNSS]

Present: Shri B.J.S.Bajwa, Advocate, for
applicant/accused.
Sh.APS Dhillon, Addl.P.P. for the State.
ASI Mangal Singh, No.258/Kpt., PS Urban Estate
Kapurthala.

ORDER:-

1. Applicant/accused has filed this bail application under
Section 483 of BNSS in a case bearing FIR No.196 of 22.07.2024, U/s
115(2), 118(1), 305, 331(6), 191(3), 190 of BNS, Police Station City
Kapurthala, District Kapurthala.

Rana Kanwardeep Kaur Chahal,
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Dated 23.09.2024

2. Upon notice, Sh.APS Dhillon, Additional Public Prosecutor appeared on behalf of State.

ARGUMENTS OF LD. COUNSEL FOR APPLICANT/ACCUSED:-

3. The learned counsel for the applicant/accused has submitted that present case is pending before learned CJM, Kapurthala for 20.09.2024. The police has registered the present false case against the applicant. He is innocent and has not committed any alleged offence. He is in judicial custody since 22.07.2024. No injury has been inflicted on the person of complainant by the said accused and has been falsely implicated due to enmity. Conclusion of trial would take long time. Applicant/accused undertakes to abide by the conditions to be imposed by the Court and prayed that his application be allowed.

ARGUMENTS OF LD. ADDL.PP FOR THE STATE:-

4. On the other hand, while controverting his contentions, the learned Addl. P.P for the State has vehemently argued that allegations against the applicant/accused are grave in nature. If applicant/accused is released at this stage, he may abscond or tamper with prosecution evidence or may influence the prosecution witness. Lastly it is prayed that bail application of accused be dismissed.

5. Further, ASI Mangal Singh has appeared and suffered a statement that as per the record, no bail application under provisions of Section 438 Cr.P.C. or 439 Cr.P.C./ 482 BNSS or 483 BNSS has been

filed before the Hon'ble High Court or decided by it or by any other Superior Court against the present applicant/ accused in the present case.

6. **I have heard the learned counsel for applicant/accused and learned Addl.PP for the State and have also gone through the record.**

7. Police record produced & perusal of which shows that the present FIR in question has been registered at the instance of complainant Neetu with the allegations that in the intervening night of 18/19/07.2024, at about 01.00 AM, she saw her brother-in-law Bachittar Singh armed with datar along with four other unknown muffled face persons armed with datar. On raising clamour by complainant, the said Bachittar Singh pulled the complainant from her bed and gave his datar blow, which hit on the right side of her upper body. Then one of the aforesaid unknown person gave his datar blow on the chest of her husband. He also identified two of the assailants as Bhagu and Gandhi. Then Bachittar Singh gave another blow of his datar, which hit on the right leg knee of complainant. The said Gandhi also gave his datar blow on the right shoulder of complainant. On raising clamour by the husband of complainant, the said Bachittar Singh gave reverse blow of his datar on the right side of head of complainant while leaving the spot. Then on raising clamour by complainant party, all the aforesaid assailants fled away from the spot. The complainant has also alleged that the aforesaid assailants entered into her house after breaking open the door on the roof. She also alleged that

aforesaid assailants also took away one gold ring and mobile phone from their house. In view of these allegations, the present FIR was registered. During investigation present applicant/ accused was apprehended in this case on 22.07.2024 with the recovery of weapon of offence.

8. Perusal of file shows that applicant/accused was arrested in this case on 22.07.2024. Applicant/accused is not required for further investigation. No recovery remains to be effected from the applicant/accused. Conclusion of trial against applicant/accused would take long time. No useful purpose would be served by detaining the applicant/accused behind bars, rather it would be a burden on the State's exchequer, so, the bail application in hand is allowed and the applicant/accused is ordered to be released on bail on his furnishing bail bonds in the sum of Rs.1,00,000/- with one surety of like amount to the satisfaction of learned Trial Court/Illaqa/Duty Magistrate subject to following conditions:

- i. That the applicant/accused shall appear before the Court on each and every date of hearing;
- ii. That the applicant/accused shall not directly or indirectly induce or coerce any witness or prosecution so as to dissuade him from deposing as witness in the Court or to any police officer;
- iii. That the applicant/accused shall not leave India without prior permission of the Court;

9. However, any observation made above while disposing of this bail application shall not be considered an opinion of the undersigned

Rana Kanwardeep Kaur Chahal,
ASJ/Kapurthala.
Dated 23.09.2024

on the merits of the case. Police record be returned. Record of this bail application be consigned to Sessions Record Room.

Pronounced on:

Dt:23.09.2024

Kaushal

(Rana Kanwardeep Kaur Chahal)
Addl. Sessions Judge, Kapurthala
(UID No. PB00223)

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Statement of ASI Mangal Singh has been recorded.

Arguments heard. Vide my separate detailed order of even
date, the bail application filed by applicant/accused has been allowed.
Police record be returned. Record of this bail application be consigned to
Sessions Record Room.

Pronounced on:
Dt:23.09.2024

Kaushal

(Rana Kanwardeep Kaur Chahal)
Addl. Sessions Judge, Kapurthala
(UID No. PB00223)

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