

**IN THE COURT OF SH. RAKESH GUPTA
ADDL. SESSIONS JUDGE, BATHINDA.**

CIS No. BA/1895/2021
CNR No. PBBT01-005315-2021
Decided on : 5.8.2021

Sajan Singh @ Bagga s/o Jagdish Singh r/o village Hajj Khas, Chak Chhapriwala,
Distt. Fazilka.

.....Petitioner

Versus

State of Punjab

.....Respondent

FIR No. 100 Dated 21.5.2021
U/s 458/323/380/506/148/149 IPC
P.S. Canal Colony, Bathinda.

Bail Application Under Section 438 Cr.P.C.

Present: Sh. Sarabjit Singh, Advocate for petitioner.
Sh. Amarjeet Syal, Addl. PP for the State, assisted by Sh. G.S.
Khadial, counsel for complainant.

ORDER :

1. This order will dispose of an application for grant of anticipatory bail filed by the applicant/petitioner, in the above noted FIR.
2. Notice of the application was issued to the respondent/State, Sh. Amarjeet Syal, Addl.P.P is present and contested the same.
3. I have heard learned counsel for accused/petitioner, Addl.P.P for the State and gone through the record, minutely.
4. It is contended that applicant/petitioner is innocent and falsely implicated in the present FIR. He did not commit the alleged crime. There is no evidence to connect him with commission of crime. In fact, the petitioner has no concern with offence. The prosecution story is false and concocted one. The petitioner has been involved in this case after due deliberations and consultations. Nothing is to be recovered from him. The applicant/petitioner apprehends his arrest at the hands of police and interalia prayed for interim bail.
5. Record perused which shows that present FIR was lodged by one Om Parkash against Balraj, his son Surinder Kumar, petitioner Bagga, Ravi Kumar and one unknown person on the allegations interalia that he along with Vinod Kumar was residing in a rented accommodation, owned by Parshotam Sharma. On the night of 20.5.2021, he along with Vinod Kumar, Ajay Kumar, son of Mohan Lal and Ravi Kumar, after dinner, went to sleep at 10.30 p.m. At about

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3.30 a.m., rear gate of the house was given push, due to which the door opened with loud noise. He switched on light and spotted 7-8 persons armed with sticks. Vinod Kumar, Ajay Kumar, Ravi Kumar also woke up. In the mean while, Surinder Kumar son of Balram gave blow of 'Gainti' which hit on left side of his forehead. Then Balram (brother) gave stick blow on his right cheek, following which Bagga gave stick blow on his right leg. He raised alarm and when Ajay Kumar came forward to rescue him then Balram gave two blows of stick on his head. Bagga also gave two stick blows to Ajay Kumar which fell on right side of his chin and left wrist. Ravi Kumar gave two blows on middle finger and back of Ajay Kumar. The unknown persons gave beatings to Ravi Kumar with sticks inflicting injuries on his head and right elbow. On their raising alarm, the assailants left the spot.

6. ***The Hon'ble Supreme Court of India has held in Adri Dharam Dass Versus State of West Bengal 2005(2) RCR (Crl.) Page 32 that :***

"Ordinarily, arrest is a part of the process of investigation intended to secure several purposes. The accused may have to be questioned in detail regarding various facets of motive, preparation, commission and aftermath of the crime and the connection of other persons, if any, in the crime. There may be circumstances in which the accused may provide information leading to discovery of material facts. It may be necessary to curtail his freedom in order to enable the investigation to proceed without hindrance and to protect witnesses and persons connected with the victim of the crime, to prevent his dis-appearance to maintain law and order in the locality. For these or other reasons, arrest may become inevitable part of the process of investigation. The legality of the proposed arrest cannot be gone into in an application under Section 438 of the Code. The role of the investigator is well-defined and the jurisdictional scope of interference by the Court in the process of investigation is limited. The Court ordinarily will not interfere with the investigation of a crime or with the arrest of accused in a cognizable offence."

7. Having heard the contentions of the learned counsel for the petitioner, learned Addl. PP for the State and going through record in the light of the above law laid down by Hon'ble Apex Court, the above allegations leveled against the applicant/petitioner are specific and grave in nature. As per those allegations, he along with his companions criminally trespassed residential house of complainant, while armed with deadly weapons and caused multiple injuries to complainant and others. Three injuries to members of complainant are attributed to the petitioner. The investigation is at the initial stage. For recovery of weapon

of offence and further progress of the case, custodial interrogation of the applicant/petitioner is essential. Hence, no benefit for the contentions advanced by learned counsel for the petitioner should be extended to him, at this stage.

8. **Thus, keeping in view the above nature of allegations, stage of investigation and finding his custodial interrogation necessary, discretionary relief of anticipatory bail should not be extended to the applicant-petitioner. Hence, the instant bail application is hereby dismissed.**

Nothing expressed herein-above, shall be construed as an expression of my opinion, on the merits of the main case.

Pronounced.
Dated: 5.8.2021

Suraj Mohan SG-II

(Rakesh Gupta),
Addl. Sessions Judge,
Bathinda. (UID No. PB-0124)

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Present: Sh. Sarabjit Singh, Advocate for petitioner.
Sh. Amarjeet Syal, Addl. PP for the State, assisted by Sh. G.S.
Khadial, counsel for complainant.

Police record produced in connected bail application titled as
'Surinder Kumar Vs. State', fixed for today.

Arguments heard. Vide separate order of even date, the bail
application under Sec. 438 Cr.P.C. filed by the applicant/petitioner has been
dismissed.

File be consigned to the record room.

Pronounced.
Dated: 5.8.2021

(Rakesh Gupta),
Addl. Sessions Judge,
Bathinda. (UID No. PB0124)

Suraj Mohan SG-II.

Rakesh Gupta
Addl.SJ/Bathinda.