

IN THE COURT OF VISHESH, (UID No. PB0228),  
ADDITIONAL SESSIONS JUDGE, JALANDHAR.

|                     |                    |
|---------------------|--------------------|
| CIS No.             | BA 1902/2024       |
| CNR                 | PBJL01-005884-2024 |
| DATE OF INSTITUTION | 20.04.2024         |
| DATE OF DECISION    | 26.04.2024         |

Vipan Kumar aged 32 years son of Satish Kumar, resident of House No. 1025, Gali No.10, Fauji Wali Gali, Rama Mandi, Jalandhar.

.....Accused/applicant.

Versus

State

FIR No.317 dated 14.11.2023  
under Sections 302, 148, 149 120B of IPC  
and Section 25-27/54/59 of Arms Act  
Police Station Rama Mandi, Jalandhar.

[First Application under Section 439 Cr.P.C.]

Present: Sh. Nikhil Sharma, Advocate for accused/applicant.  
Sh. R.S.Makkar Additional Public Prosecutor for State.  
Sh.Sunil Thaper, Advocate for the complainant.

**ORDER**

1. On behalf of Sh.Sunil Thaper, Advocate has appeared and filed power of attorney, which is placed on record.
2. The present bail application has been filed under Section 438 of Cr.P.C. by the accused-applicant-Vipan Kumar in case FIR No.317 dated 14.11.2023 on the ground thathe has been falsely arrested by the police. He himself surrendered before the court of Sh.Amandeep Singh Ghuman, JMIC, Jalandhar in the month of December 2023 and since then he is in custody. Nothing has been recovered from him. He is no more required for further investigation. The accused-applicant prayed that he be

released on bail and he undertakes, that he will follow the conditions as directed by the court.

3. Notice of the present bail application given to respondent/ State. Ld. Additional Public Prosecutor appeared on behalf of respondent/ State and contested the present bail application.

4. I have heard learned counsel for the accused/applicant, learned Additional Public Prosecutor for the State and have gone through the police record.

5. The present FIR has been registered on the instance of Rukman Rani alias Buntty. In her statement, she has mainly claimed that on 13.11.2023 at about 7:00 PM she, Anika and Rohit Kumar alias Alu son of late Manmohan Arora, resident of Bansanwali Gali, Rama Mandi were going by foot where Kalu Bhaiya, Ratan, Gagan Gugga, Shiva, Lakhan, Ricky, Sanjay, Laddi, Bakra, Gattu, Vipan, Lucky, Shavi and some other unidentified persons attacked them. Accused namely Ratan pulled out the revolver from his dub and fired towards Rohit Kumar alias Alu, which hit on the left side of his chest. Another fire went above the head of Rohit Kumar alias Alu. Then, all these accused were armed with datars, kirpans, baseball bats and other deadly weapons attacked Rohit Kumar alias Alu, who being injured on account of bullet shot fell down on the ground. Thereafter, complainant and Anika raised hue and cry to save them and injured. Then all the accused fled away from the place of occurrence along with their respective weapons. Complainant arranged the conveyance and got admitted Rohit Kumar alias Alu at Johal Hospital, Rama Mandi, Jalandhar, but he could not survive and expired during

treatment. Complainant alleged that the grouse of the accused is that they have earlier also attacked them 4/5 times and complainant recorded her statement on the basis of which present FIR was registered.

6. Learned counsel for the applicant has argued that applicant was not present at the spot. He has further argued that prior to this FIR, another FIR under Section 307 IPC was registered and the facts of said FIR are identical to the present one. He has further argued that fire arm injury is attributed to one Ratan Kumar (accused). In the end, prayer has been made to admit the applicant to bail.

7 . However, I am not convinced with the above said contentions of counsel for the applicant. Indubitably, FIR has been registered by name against applicant as well as other accused. Eight accused are yet to be arrested in this case. The fact that applicant was not present at the spot *prima-facie* stands disbelieved in the light of CCTV footage taken into police possession by the Investigating Officer. The allegations against applicant are very serious in nature. It is alleged that he was member of unlawful assembly armed with deadly weapons and in pursuance to that fire arm injuries were caused to the deceased resulting in his death. The applicant along with other accused was armed with deadly weapons at the time of occurrence. Considering the above said allegations against the applicant, I am of the view that the applicant is not entitled for benefit of regular bail. The same is found to be without any merits. Finding no merit in the bail, the same stands dismissed. File be consigned to record room, Jalandhar.

**Pronounced in Open Court**

**(Vishesh),**

Vipan Kumar Vs State 4

**26.04.2024**  
*Sushma\*/JW*

**Additional Sessions Judge,  
Jalandhar** (UID No.PB0228).