

**IN THE COURT OF SHRI RAKESH KUMAR,
ADDITIONAL SESSIONS JUDGE,
LUDHIANA.**

Unique Identification Code No.(PB0138)

B.A.No. 1902 dated 20.3.2019.
Computer Generated No.1902/2019.
Date of Order:01.05.2019.

State. Vs. 1. Kaka Ram son of Billu Ram.
2. Arujn Kumar son of Mulkh Raj,
both residents of Village Iadowal, Tehsil
and District, Ludhiana.
FIR No.251 dated 17.12.2018.
U/s 323/506/365/307/148/149 IPC.
P.S. Daba, Ludhiana.

BAIL APPLICATION U/S 439 CR.P.C.

Present: Mr.S.P.S.Gill Advocate learned counsel
for the accused/applicants.
Mr.Amandeep Singh Learned Addl.P.P for the State.

ORDER

1. Heard on the bail application filed on behalf of accused/applicants Kaka Ram and Arjun Kumar under section 439 Cr.P.C.
2. The case arising out of FIR No. 251 dated 17.12.2018, U/s 323/307/365/506/148/149 IPC relating to P.S. Daba, Ludhiana has been registered against the accused/applicant alongwith others on the basis of statement of complainant Dalip Kumar which he got recorded on 17.12.2018. The complainant has stated that on 13.12.2018 at about 10:30 a.m he alongwith his mother Smt. Indu Devi were going to pay installment of the motor cycle towards Bus stand, Ludhiana. When they reached near Lovely Medical Hall, turn of Mohalla Gurmail Nagar, in the meantime Harpreet Singh @ Bitu

and his brother Jagroop Singh came on the motor cycle armed with Daat who stopped the complainant forcibly. They made to sit them on their motor cycle which was objected by the complainant and his mother. In the meantime his mother was thrown by pushing her and two more boys came on the motor cycle to whom complainant does not know. Jagroop Singh started motor cycle of the complainant and made him to sit on the same forcibly. They all took the complainant towards Toba chowk. After going some distance, a Innova car of silver colour was standing there in which complainant was thrown by them. Bhupinder Singh @ Rinku, Blajinder Kumar @ Kali, Arjun Kumar and 3-4 more unidentified persons were already present in the said car. Aforesaid further took the complainant to street No.2, Gurbachan Colony in the house of Sunil Kumar where Sunil Kumar, his wife Nano and 4/5 more persons were present there. They all took the complainant in a room where they confined him, beaten him mercilessly, Harpreet Singh @ Bitu damaged his mobile marka Oppo, Sunil and his wife Nano raised lalkara that today he has been caught and finish him, upon which Jagroop Singh gave baseball blow on his head, Harpreet Singh @ Bitu gave bat blow on his right hand, Kaka Ram gave blow of sword on his left thigh, Bhupinder Singh @ Rinku gave Daah blow on his right ankle, Jass gave reverse side of the Daah on his left arm, Baljinder Kumar @ Kali gave reverse side of the Daah on his right arm, Arjun Kumar gave baseball on the left side of his stomach, Manu Mental gave fist blow on his mouth. Then

complainant raised hue and cry, they all beaten the complainant with an intention to kill him. They also made video of the complainant and in the meantime mother of the complainant reached there, who raised hue and cry which attracted gathering of people at the spot. Thereafter all the aforesaid persons ran away on their vehicles alongwith their weapons after extending threats to complainant. The motive behind the occurrence is previous enmity and litigation pending in the court in between them as a result of which aforesaid caused injuries to the complainant.

3. On the basis of aforesaid statement of complainant, law has been set into motion, case against the accused alongwith others stands registered, apprehending his arrest present accused/applicants have filed the present bail application under section 439 Cr.P.C.
4. Learned counsel for accused/applicants has argued that it is a false case against the accused/applicants. There is great delay in lodging the FIR, which itself is very fatal to the case of the prosecution. The occurrence is alleged to have taken place on 13.12.2018 and strangely enough, FIR has been registered on 17.12.2018. the story put forward by the complainant is highly improbable. A bare reading of the FIR reveals that it is a bundle of lies. Nobody can remember the chronological order of all the injuries. The only one simple injury on non vital part of the body of the complainant is attributed to the applicants/accused. The motive alleged in the FIR is highly baseless. The applicants are in judicial custody and conclusion of trial will definitely take sufficient long time, as such

detention of the applicant is not going to serve any useful purpose. There is no apprehension of applicants absconding or fleeing from justice. In the last prayer has been made to admit the accused on regular bail.

5. On the other hand learned Addl.P.P for the State has vehemently opposed the arguments advanced by learned counsel for the accused/applicants and argued accused/applicants alongwith others have caused injuries with the intention to kill the complainant and caused injuries on his vital parts of the body. In the last he prayed for dismissal of the bail application.
6. I have heard learned counsel for the accused/applicants, learned Addl.P.P for the State and have gone through the entire record carefully with their able assistance.
7. After hearing learned counsel for the accused/applicants, learned Addl.P.P for the State and going through the entire record, I am of the considered opinion that the present bail application filed on behalf of the present accused/applicants deserves to be dismissed.
8. The allegations against the present applicants are that on 13.12.2018 present applicants alongwith other persons (non bail applicants) was laid the complainant and his mother Indu Devi. The further allegations are that Jagroop Singh son of Charanjit Singh gave blow with the baseball on the head of complainant Dalip Kumar. Harpreet Singh @ Bittu gave bat blow on the right hand of the complainant. Further, Kaka Ram gave blow with Kirpan which hit on the left thigh of the complainant. Furthermore, Bhupinder

Singh @ Rinku gave Daah blow on the right ankle of the complainant. Similarly, Jass gave Daah blow with the reverse side on the left arm of the complainant. Thereafter Baljinder Singh gave blow of Daah with reverse side on the right arm of the complainant, Arjun gave baseball blow on the left side near stomach of the complainant, Manu Mental gave fist blow on the face of the complainant.

9. There are specific allegations that all the injuries were caused by said persons to the complainant with the intention to kill. These serious allegations have been levelled against all the persons including applicants wherein the allegations are that intensive injuries have been caused by the persons who collected together. The recovery of the weapons is still to be made for which custodial interrogation of the accused is required.

10. So, keeping in view the totality of the aforesaid facts and circumstances of the case referred to above, this court finds that the present bail application is being devoid of any merits and same is hereby dismissed.

Bail application file be attached with the main trial case.

Pronounced:01.05.2019.

Kashmira Singh Stenographer Grade.II.

(Rakesh Kumar)
Additional Sessions Judge,
Ludhiana.UID (PB0138)

This order has been directly dictated on the computer.

State.

State.

Present:

Heard on the bail application filed on behalf of
accused/applicants under section 439 Cr.P.C and vide my separate detailed
order of the even date, same stands dismissed. Bail application file be
attached with the main trial case.

Pronounced:01.05.2019.

(Rakesh Kumar)
Additional Sessions Judge,
Ludhiana.UID (PB0138)

Kashmira Singh Stenographer Grade.II.

This order has been directly dictated on the computer.