

**In the court of Sardar Harjeet Singh, Additional Sessions Judge,
Moga. (UID No.PB0131)**

CIS No.BA/1912/02024
CNR No.PBMO010048552024
Decided on :- 5.09.2024

State of Punjab

Versus

1. Sukhwinder Singh son of Balour Singh

2. Gurpreet Singh son of Malkiat Singh

All residents of Village Daulatpura Ucha, Tehsil and District Moga

....Accused/Applicants

FIR No.66 dated 22.07.2024,
Under Sections :- 109,121(2),132,221,190,191,115,
351 BNS (old Sections 307,333,186,149,146,147,
148,506 IPC)
Police Station :- Sadar Moga.

Bail Application under Section 438 Cr.PC/482 BNSS

Present :- Shri Anish Kant Sharma, Advocate for applicants/accused
Shri Sukhdev Singh, Additional Public Prosecutor for the State

ORDER

Police record was summoned and received.

Learned counsel for accused/applicants has argued that the accused/applicants have already joined the investigation in compliance of order dated 31.08.2024 passed by this court. Their custodial interrogation is not required and prayed that accused/applicants be granted anticipatory bail.

On the other hand, learned Additional Public Prosecutor for State opposed the bail application by stating that serious allegations have been levelled against accused/applicants. So, it is not a fit case where concession of anticipatory bail can be granted to the accused/applicants. Lastly, he prayed

for dismissal of bail application.

I have considered the submissions of learned counsel for accused/ applicant and learned Additional Public Prosecutor for the State.

Perusal of record shows that present FIR was registered on the statement of complainant ASI Jaspal Singh that he was present in Police Station, where MHC informed him about receipt of two complaints on Helpline-112 made by Balwant Singh son of Dharam Singh. It has been stated in the complaints that he is having a dispute with Rajinder Singh @ Shera son of Dial Singh regarding two kanals of land in Village Daulatpura and both the parties were claiming their ownership over the same. Thereafter, he along with police party reached at the spot i.e. Pandori Road, Daulatpura Ucha in connection with above said complaints on Government Scorpio vehicle bearing No.PB-65/BG-6388, where complainant Balwant Singh along with Hardeep Singh son of Balwinder Singh met police party. 30-35 young boys were standing in the disputed land and they were armed with kirpans, baseball bats, khandas and dangs. Manpreet Singh @ Manak son of Avtar Singh was having khanda, Pargat Singh son of Basant Singh was also having khanda, Harpreet Singh son of Hakam Singh armed with kirpan, Gurpreet Singh son of Maliat Singh @ Meetu armed with khanda, Gurwinder Singh @ Motya son of Jaswant Singh armed with kirpan, Sony son of Iqbal Singh armed with baseball bat, Arjan son of Baljit Singh armed with baseball bat, Gurmaan Singh son of Satpal Singh armed with kirpan, Happy son of Nikka Singh armed with baseball bat, Kewal Singh son of Arjan Singh armed with baseball bat, Jaskaran Singh son of Balwinder Singh armed with baseball bat, Jasvir Singh son of Baldev Singh armed with wooden stick, Jaswinder Singh @

Gagna son of Kashmir Singh armed with baseball bat and Sukhwinder Singh son of Balour Singh armed with khanda, to whom, the complainant knew them earlier. Remaining 15-20 unknown young men were armed with baseball bats, kirpans, khanda and dangs etc. Harwinder Singh @ Changiara son of Gurpreet Singh @ Gora was ploughing the said land on his Sonalika tractor. ASI Jaspal Singh went inside the disputed land and stopped the tractor and asked him that a civil suit is pending in the court, as such, they should not take law in their hands. Manpreet Singh @ Manak raised lalkara. Pargat Singh gave khanda blow on the head of C.Parampreet Singh, No.730/Moga with intention to kill him and all the accused assaulted them. During scuffle, the accused also torn the uniform of C.Parampreet Singh and advanced threats to them. On hearing rousa, many people gathered at the spot. On seeing people gathering at the spot, all the accused along with their weapons and tractors ran away from the spot. C.Parampreet Singh was sent to Civil Hospital, Moga for treatment. In this way, the accused obstructed them from doing their official duty, being public servants and advanced threats to kill them. Thus, FIR was registered.

ASI Jaspal Singh has made a statement that in pursuance of directions issued by this court, the accused/applicants have joined the investigation. Their custodial interrogation is no more required.

Since, in terms of order dated 31.08.2024 passed by this court, accused/applicants have already joined investigation and as per statement of investigating officer, their custodial interrogation is not required. No injury has been attributed to the accused/applicants. It is claimed that present FIR has been registered due to political rivalry. Moreover, co-accused have already been granted concession of anticipatory bail. Culpability of accused/applicants

shall be gauged during the course of trial. Since the accused/applicants have already joined the investigation, so without much commenting upon merits of the case, bail application is allowed and order dated 31.08.2024 is made absolute. File be consigned to the record room.

Pronounced.
06.09.2024.
(Jagjit Singh Panesar, Stenographer -I)

(Harjeet Singh)
Additional Sessions Judge,
Moga. ***(UID No.PB0131)***