

In the Court of Shri Harjeet Singh,
Additional Sessions Judge, Amritsar.
(Unique Identification No. PB0131)

Case Type	BA
Filing No.	BA/3433/2020 Date: 08.05.2020
CNR No.	PBAS010047312020
CIS Number	BA/1912/2020
Date of Order	08.06.2020

State of Punjab.

Versus

1. Ajay Kumar son of Ajay Kumar son of Tarlok Chand, resident of H. No. 6927/22, Waryam Singh Colony, Near Bakkar Mandi, Chabal Road, Amritsar;
2. Lakhan son of Tarlok Chand, resident of H. No. 6927/22, Waryam Singh Colony, Gate Khazana, Amritsar;
3. Shiva son of Dalip Kumar, resident of H. No. 6913, Waryam Singh Colony, Lahori Gate, Amritsar.

.....Applicants/accused.

FIR No. 94 dated 16.04.2020
Under Sections 336, 188, 148, 149 of IPC & 25, 27 of
Arms Act
Police Station: Gate Hakima

Bail Application under Section 438 of Cr.P.C.

Present: Shri Shukarguzar Singh, Counsel for the applicants-accused through video conference.
 Shri Jagdeep Kumar, Addl. PP for the State through video conference.

ORDER

Vide this order, I intend to dispose of bail application under Section 438 Cr.P.C. filed by applicants-accused Ajay Kumar, Lakhan and Shiva in the FIR mentioned above.

Police record was summoned and received.

Learned Counsel for the applicant-accused argued that applicants-

accused have not committed any offence and have been falsely implicated in this case. Applicants-accused, as directed by this Court, have already joined the investigation. Their custodial interrogation is not required. Nothing is to be recovered from them and prayed that applicants-accused be admitted to bail.

On the other hand, learned Addl. PP for the State opposed that bail application and argued that it is not a fit case, where concession of anticipatory bail can be granted to accused and prayed that bail application be dismissed.

The present case was registered on the basis of secret information received by ASI Ravinder Singh that during the intervening night of 15/16.04.2020, at about 12/1 AM, Shaheed Udham Singh Colony, Gali No. 2, Jhabal Road, Amritsar, two parties armed with weapons were coming while fighting each other and out of those two parties, one party has fired in the air in Gali No. 2 Near Pamme Wali Puli and also violated the curfew/lockdown.

Vide order dated 19.05.2020 passed by the Court of Shri Hardip Singh, learned Addl. Sessions Judge, Amritsar, applicant-accused were granted interim bail with a direction to join investigating with Arresting/Investigating Officer. Today, ASI Ravinder Kumar appeared and made statement that applicants-accused have joined the investigation and their custodial interrogation is not required.

So, in view of the statement of the Investigating Officer recorded in the Court, since applicants-accused have joined the investigation and their custodial interrogation is not required and culpability of applicants-accused shall be gauged during the course of trial, so, without much commenting upon merits of the case, order dated 19.05.2020 granting interim bail to applicants-accused, is made absolute and bail application is allowed, subject to adherence of following conditions specified in Section 438(2) of Cr.P.C. by the applicants-

accused:-

1. That applicants-accused shall make themselves available for interrogation by the police officer, as and when required;
2. That applicants-accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him forcibly from disclosing such facts to the Court or to any police officer;
3. That applicants-accused shall not leave India without prior permission of the Court.
4. In addition to the above referred directions, in view of the outbreak of Corona Virus (COVID-19), the applicant is also directed to maintain social distancing and to obey the guidelines issued in this regard by the competent authorities during continuance of such outbreak.

Police record be returned forthwith. Bail application file be consigned to the record room.

Dated: 08.06.2020

** janesh **

(Harjeet Singh),
Additional Sessions Judge,
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