

BA 1906 22

**THE COURT OF SMT. PREETI SAHNI,
ADDITIONAL SESSIONS JUDGE, TARN TARAN**

CIS No. : BA/1906/22
Date of Institution : 21.07.2022
Date of Decision : 05.08.2022

1 Gurbhej Singh s/o Ran Singh r/o village Mehdiapur, Khem Karan Tehsil Patti,
Distt. Tarn Taran.

-----Applicant/accused.

Versus

State of Punjab.

-----Respondent.

FIR No. : 142 dated 30.09.2020
Under Section : 307/341/323/324/326/506/148/149
IPC and 25/27/54/59 of Arms Act.
Police Station : Khem Karan.

First Bail Application under Section 439 Cr.P.C..

Present: Sh. Shivdeep Mehta Advocate, counsel for the applicant/accused.
Sh. Satinderjit Singh, APP for the State.

ORDER

Accused/applicant has moved bail application under Section 439 Cr.P.C. seeking grant of regular bail.

It is alleged that a false case has been got registered against the applicant/accused; he is in custody since 18.04.2022; he is no more required for further investigation and no useful purpose would be served to keep the applicant behind the bars. He thus prays for grant of bail.

Notice of the same was given to the prosecution. Learned APP for the State has opposed the bail application on the ground of seriousness of the offence.

Heard. Police record received and perused. The case is registered at the instance of complainant Balwinder Singh son of Gajjan Singh, resident of village Mehdiapur; in his statement dated 30.9.2020, recorded with the police, he stated that on 26.9.2020 he and his brother Salwinder Singh was called by SHO, Police Station Khemkaran in connection with quarrel/ dispute with Harpreet Singh son of Baljit Singh. On that day, Harpreet Singh did not come present in the police

station and they came back. Then on next day, he along-with his brother went to Police Station at about 7-8 AM and his another brother Jaimal Singh along with co-villagers followed them on their respective vehicles, they remained present in the police station till 4:00 PM but Harpreet Singh and his men did not come present in the police Station.

When in the evening, they left the police station on their respective motor cycles and reached near Defence Bridge, Mehnidpur, then Satnam Singh having 12 bore rifle, Harjinder Singh son of Mehtab Singh having having 12 bore rifle and Avtar Singh having 12 bore rifle, they all came out from the bushes and started making fires towards them. The fires made by them hit his brother Salwinder Singh as well as Jaimal Singh on various parts of their bodies and they fell down. Then at that time, Mehtab Singh having a dattar, Gurmail Singh having a Kirpan, Gurlal Singh having a kirpan, Vira having a dattar , Raja s/o Satnam Singh having dattar, Ramandeep Singh having dattar, Gurpreet Singh having dattar, Banti s/o Nishan Singh having dattar, Gurbhej Singh (applicant/accused) having kirpan and Navdeep Singh having kirpan alongwith 4/5 unidentified persons also came at the spot with intention to kill them.

All these assailants made attack on Salwinder Singh and Jaimal Singh with their respective weapons and then after causing injuries they ran away from the spot. Firstly, the injured were shifted to Government Hospital, Khemkaran and thereafter they were referred to Amandeep Hospital, Amritsar. On the basis of this statement, the present case was registered against the accused.

During course of arguments, ld. APP raised point that the applicant/accused does not deserve the concession of bail, as a specific role has been attributed to him. He was carrying Kirpan with him and as per injury chart attached in the police file, the applicant/accused gave five blows with kirpan upon injured Jaimal Singh, which hit on his left knee and below the knee. He also raised

point that the applicant/accused being one of the member of the unlawful assembly made brutal attack on Salwinder Singh and Jaimal Singh and as per hospital record, there are found to be 43 injuries on the person of Jaimal Singh.

On the other hand, Ld. Counsel for applicant/accused raised point that the injuries attributed to the applicant/accused, those are on non vital part of his body. The injuries attributed to the applicant/accused fall within the purview of Section 324 IPC. He also raised point that some of co-accused are already released on bail in the present case.

So considering the over all facts and circumstances as discussed above, in the opinion of the Court, the applicant/accused is in custody since 18.04.2022, no useful purpose would be served by keeping the applicant-accused behind the bars for indefinite period. It will take long time for the trial to be completed, so, in these circumstances, the present application is allowed and the applicant/accused is ordered to be released on bail on furnishing bail and surety bonds in the sum of Rs. 50,000/- with one surety in the like amount to the satisfaction of the Illaqa Magistrate/Duty Magistrate. Papers be consigned to the record room.

Pronounced
05.08.2022.
Aman (Steno)

Preeti Sahni
Additional Sessions Judge
Tarn Taran/UID-PB0078