

**IN THE COURT OF SH.DINESH KUMAR,
ADDITIONAL SESSIONS JUDGE,
(UID:PB0445)
MANSA.**

Bail application No.651 dated 17.12.2019
CNR No.PBMN01-004421-2019
CIS No. BA/1856/2019
Date of Order: 18.12.2019

Dilbagh Singh alias Bagga alias Dalwara Singh aged about 46 years son of Balwant Singh resident of village Heerke, Tehsil and District Mansa.

Applicant-accused.

Versus

State of Punjab

FIR No.151 dated 07.09.2019,
U/Ss 324, 323, 34 of Indian Penal Code,
further enhanced for the offence U/s 326 IPC Vide
rapat no.58 dated 19.11.2019.
PS Jhunir, District Mansa

Application for grant of bail under Section 438 Cr.P.C.

Present: Sh.K.S.Dhaliwal Advocate for applicant-accused.
Sh.Vikas Garg, Addl. PP for State.

ORDER

1. This order of mine shall dispose of first anticipatory bail application under section 438 of Cr.P.C., in FIR No.151 dated 07.09.2019, Police Station Jhunir, District Mansa under section 324, 323, 34 of Indian Penal Code (offence under section 326 of IPC was added vide rapat No.58 dated 19.11.2019).

2. Brief facts of the case are that present FIR was recorded on the statement of complainant Manjit Kaur, on the allegations that on 05.09.2019, at about 6.30 pm, she and her husband Balraj Singh were talking with each other in front of their house. At that time, her brother-in-law (Jeth) Balwinder Singh alias Kala, was sitting on a chair, outside of her house. In the meantime, Dilbagh Singh another brother-in-law (Jeth) of complainant armed with Axe, her JATHANI Nasib Kaur armed with soti and Jagtar Singh alias Tari arrived there. Her Jeth Balwinder Singh raised a lalkara to teach a lesson for grabbing the land of their father. Allegedly, Dilbagh Singh inflicted Axe blow on the head of the complainant with reverse side. Thereafter, he gave another blow on her head which landed on the back side of her head. As per allegations, applicant/accused Nasib Kaur inflicted soti blow on the fingers of right hand of the complainant. Balraj Singh husband of the complainant also came forward to rescue the complainant and then accused Dilbagh Singh gave blow with his weapon on the person of Balraj Singh. Thereafter, they both fell on the ground. Dilbagh Singh again gave axe blow on the wrist of the complainant. Jagtar Singh alias Tari gave brickbat blow on the face of the complainant. They raised alarm and thereafter, accused persons fled away from the spot with their respective weapons.

3. Initially FIR was recorded under section 324, 323, 34 of IPC. Applicant Dilbagh Singh joined the investigation and he was enlarged on police bail on 23.10.2019. X-ray of complainant Manjit Kaur reveals that complainant sustained fracture of distal shaft of ulna. In x-ray of Balraj Singh, communicated fracture involving the parietal bone frontal parietal

bone and temporal bone on the right side was found. The concerned medical officer gave opinion that injury No.1 and 2 on the person of Balraj Singh are grievous in nature. In the same way, injury on the person of Manjit Kaur also declared grievous in nature. Accordingly, offence under section 326 of IPC was added in the aforesaid FIR.

4. Sh.K.S.Dhaliwal Advocate, Ld. counsel for the applicant has argued that FIR was lodged under section 324, 323, 34 IPC and aforesaid offences are bailable in nature. The applicant joined the investigation and he was released on bail. Now, the police has added offence under section 326 IPC on the basis of opinion of the doctor. The injury shown to be grievous in nature and is self suffered injury. He further argued that no offence is made out against the applicant. Nothing is to be recovered from him. He argued that applicant is ready to join the investigation as and when required by I.O/Arresting Officer. With these submissions, he has prayed for grant of anticipatory bail to the applicant/accused.

5. Per Contra, Sh.Vikas Garg, Ld. Addl. PP for the State has argued that there are serious allegations against the applicant/accused. He further argued that applicant/accused is the main accused and he inflicted grievous injuries with sharp edged weapon on the person of Manjit Kaur and Balraj Singh. With these submissions, he prayed for dismissal of the bail application.

6. I have heard the rival contentions of both side and perused the record carefully.

7. The allegations against the applicant/accused are that he was armed Axe, a sharp edged weapon and he gave blow on the head of complainant Manjit Kaur with reverse side and thereafter, he gave another blow on her head which landed on the back side of her head. Balraj Singh husband of the complainant came forward to rescue the complainant and accused Dilbagh Singh gave Axe blow on the person of Balraj Singh. The injuries on the basis of which offence under section 326 IPC has been added, are attributed to accused Dilbagh Singh. The allegations against the applicant/accused are serious in nature. This court granted the anticipatory bail to co-accused Nasib Kaur, however, her case was on different footing as she had not given any grievous injury with sharp edged weapon. Applicant/accused may threaten the prosecution witnesses who are his close relatives, if enlarged on bail. So, this Court is of the considered view that applicant/accused is not entitled for concession of anticipatory bail. Accordingly, present bail application stands dismissed. Police record be returned. Bail application be consigned to the record room.

Pronounced:18.12.2019

(Dinesh Kumar).
Addl. Sessions Judge,
UID:PB0445
Mansa.

Dilbagh Singh Vs. State

Present: Sh.K.S.Dhaliwal Advocate for applicant-accused.
Sh.Vikas Garg, Addl. PP for State.

Record produced. Arguments heard. Vide my separate detailed order of even date, present bail application is hereby dismissed. Police record be returned. Bail application be consigned to the record room.

Pronounced:18.12.2019

(Dinesh Kumar).
Addl. Sessions Judge,
UID:PB0445
Mansa.