

**In the Court of Dharminder Paul Singla, Addl. Sessions Judge,
Jalandhar [UID No.PB0083]**

(1)

CIS Case No.	BA-1817/2023
CNR No.	PBJL01-004299-2023
Date of Institution	29.03.2023
Date of Decision	18.04.2023

Jograj @ Joga, age about 25 years S/o Amarjit Singh, Resident of VPO
Pholriwal Distt. Jalandhar.

.....Accused/applicant

Versus

State of Punjab.

.....Respondent.

(2)

CIS Case No.	BA-2043/2023
CNR No.	PBJL01-004941-2023
Date of Institution	12.04.2023
Date of Decision	18.04.2023

1. Diksha aged about 25 years daughter of Sh. Nirmal Singh, resident of Village Pholriwal, P.S. Sadar, Distt. Jalandhar.
2. Baljinder Kaur, aged about 27 years daughter of Sh. Nirmal singh, resident of Village Pholriwal, P.S. Sadar, Distt. Jalandhar.
3. Sarabjit aged about 50 years wife of Sh. Nirmal Singh, resident of Village Pholriwal, P.S. Sadar, Distt. Jalandhar.
4. Sulakhan Singh, aged about 50 years son of Sadhu Ram, resident of Village Pholriwal, P.S. Sadar, Distt. Jalandhar.
5. Nirmal Singh, aged about 54 years son of Sadhu Ram, resident of Village Pholriwal, P.S. Sadar, Distt. Jalandhar.

.....Accused/applicants

Versus

State of Punjab.

.....Respondent.

(3)

CIS Case No.	BA-2054/2023
CNR No.	PBJL01-004965-2023
Date of Institution	12.04.2023
Date of Decision	18.04.2023

Deepak @ Deepu aged about 21 years s/o Ashok Kumar, resident of V.P.O Pholriwal, District Jalandhar.

.....Accused/applicant

Versus

State of Punjab.

.....Respondent.

FIR No.38, dated 14.03.2023,
U/Sec. 452/323/326/506/325/148/149 of IPC,
P.S. Sadar, Jalandhar.

Applications for bail under Section 438 Cr.P.C.

~~~

Present: Sh. N.S. Minhas and Sh. APS Pathania alongwith Ms. Vinky Pathania, Advocates, for the applicants/accused.  
Sh. Gurpreet Singh, Addl. Public Prosecutor for the State assisted by Sh. Mukhtiar Mohammed, Advocate for complainant.

**ORDER**

This order of mine shall dispose of aforementioned three bail applications for anticipatory bail under Section 438 Cr.P.C moved by accused/applicants in case bearing FIR No.38, dated 14.03.2023, U/Sec. 452/323/326/506/325/148/149 of IPC, P.S. Sadar, Jalandhar.

2. Perusal of the record reveals the fact that complainant Kuldeep Kaur wife of Surjit Ram has got registered the case with the allegations that accused/applicants alongwith other co-accused have entered into the house of complainant and committed criminal trespass

and also inflicted hurt upon the father of complainant. Mandeep @ Deepu gave Khanda blow on the leg of father of complainant. Manu also gave Khanda blow on the head, whereas Vishal @ Seelu gave basebat blow on the face, Gaggu gave iron rod blow on the hand and abdomen, whereas Deepu also gave Khanda blow on the legs and Jagga alongwith others were raising Lalkaras.

3. Learned counsel for the accused/applicant Jograj Singh submitted that the accused/applicant has already joined the investigation and nothing is required to be recovered from him. He further contended that only Lalkara was allegedly attributed to the present accused/applicant Jograj Singh, though he has been falsely implicated in this case and prayed for confirmation of bail on these grounds.

4. Learned counsel for the accused/applicants Diksha and others submitted that the accused/applicants have already joined the investigation and their bails were made absolute vide order dated 29.03.2023 passed by this court, but now lateron, police has added Sections 326 and 325 of IPC vide DDR No.41, dated 10.04.2023. She further raised the submission that the offences have been added by the police with an intention to arrest the present accused/applicant, though they were not involved in any manner in the alleged occurrence and falsely implicated in this case. She further contended that the present FIR is counter blast by the complainant to another FIR registered by accused/applicants and prayed for protection and bail even in the added offences.

5. Learned counsel for the accused/applicant Deepak @ Deepu contended with vehemence that the present accused/applicant has been falsely implicated because FIR has been registered with three days delay with the counter blast. He further contended that the complainant has not produced the video recording before the police and prayed for protection and anticipatory bail on these grounds.

6. Learned Addl.P.P for the State opposed the bail application on the ground that it is not in dispute that Jograj Singh has already joined the investigation, though Lalkara was allegedly attributed to him. He further pressed that Diksha and others have also joined the investigation and their bails were confirmed vide order dated 29.03.2023, whereas Sections 326 and 325 of IPC have been added on 10.04.2023. He further pressed that now these accused/applicants does not deserves for protection and bail as serious allegations have been levelled. He further pressed that the accused/applicant Deepak @ Deepu has inflicted injury with the help of iron Khanda on Joginder Pal injured and the said iron khanda is required to be recovered from him, therefore, he does not deserves any concession for protection and anticipatory bail. He prayed for dismissal of bail applications on these grounds.

7. I have heard the learned counsel for the accused/applicants, learned Addl.P.P for the State assisted by learned counsel for the complainant and have gone through the record carefully.

8. After giving my thoughtful consideration to their rival submissions and perusal of record reveal the fact that complainant Kuldip

Kaur has got registered the case with the allegations that the accused/applicants have inflicted injuries on her father namely Joginder Pal. Furthermore, previously some other persons namely Diksha and Baljinder Kaur have been named, though they were not named in the FIR. Moreover, accused/applicant Jograj Singh has already joined the investigation, who has allegedly attributed with exhortation in regard to infliction of injuries. Similarly, accused/applicants Diksha and others have been allegedly throwing brick bats from the roof, but no specific allegations and injuries have been attributed by the complainant to all of the accused/applicants. However, complainant has levelled specific allegations against the accused/applicant Deepak @ Deepu in regard to infliction of injury on her father with iron khanda on the legs. As such, the alleged weapon i.e. iron khanda is required to be recovered from the possession of accused/applicant Deepak @ Deepu, therefore, his custodial interrogation is required to the police. Furthermore, accused/applicants Diksha and others as well as Jograj Singh have already joined the investigation and offence under Sections 326/325 of IPC were added later on 10.04.2023 vide DDR No.41 dated 10.04.2023. As such, case of these accused/applicants namely Jograj as well as Diksha and others are not in parity with Deepak @ Deepu, from whom the alleged weapon used in the commission of crime has to be recovered. Keeping in view of above discussion, facts and circumstances, this court is of the considered view that the accused/applicants Jograj Singh, Diksha and others deserves for protection and confirmation of bail already granted to them even after

addition of offence under Section 326 and 325 of IPC, because no such specific injury for these alleged offences have been attributed to them, whereas weapon i.e. iron khanda is required to be recovered from accused/applicant Deepak @ Deepu, therefore, no exceptional circumstances are find out in favour of accused/applicant Deepak @ Deepu. Consequently bail application of Jograj Singh and Diksha and others are allowed, whereas bail application moved by accused/applicant Deepak @ Deepu for anticipatory bail is hereby dismissed. Police record be returned immediately. Bail application files be consigned to the record room after due compilation. Copies of order be placed in connected bail applications.

Pronounced:

Dated:18.04.2023

rajesh\*\*

(Dharminder Paul Singla),  
Addl. Sessions Judge,  
Jalandhar.[UID No. PB0083]