

**IN THE COURT OF Dr. RANJAN KUMAR KHULLAR,
ADDITIONAL SESSIONS JUDGE, BATHINDA
(UID PB0215).**

CIS No: BA/1815/2024
Date of Order: 29.05.2024

State of Punjab.

Versus

Gurjot Singh @ Jot son of Harbhupinder Singh, Resident of Mati Dass Nagar, Bathinda to Mansa Road, left side under bridge, P.S. Civil Lines, Bathinda.

....Petitioner.

FIR No.56 dated 28.04.2024
Under Sections 308, 341, 323, 427, 148, 149 IPC
P.S. Civil Lines, Bathinda.

Bail application u/s 439 Cr.P.C.

Present: Sh. Jiwan Kumar Gupta, Advocate for the petitioner.
Ms. Veenu Ghai, Addl.PP for the State.
Sh. Jaswinder Singh Tungwali, Advocate, counsel for complainant.

ORDER

1. First Post-arrest bail application of the petitioner under Section 439 Cr.PC in case FIR No.56 dated 28.04.2024, Under Sections 308, 341, 323, 427, 148, 149 IPC P.S. Civil Lines, Bathinda, is considered.
2. Summary of the case of the prosecution is that present case has been registered on the statement of Sukhmander Singh alias Mander Singh to the effect that on 28.04.2024, he along-with his companions have boarded Van No.PB-03AF-3222 at Street No.7, Lal Singh Basti, Bathinda for further going to attend the election meeting of Biba Harsimrat Kaur Badal at Green

Palace, Bathinda. They reached there and Biba Harsimrat Kaur Badal also reached at the time given by her. After addressing the general public, Biba Harsimrat Kaur Badal had gone. They all were also returning to their houses. At about 2.30 afternoon, when they reached their van, near Gate No.3, Sports Stadium, Bathinda, then 8-10 young persons came on their motorcycles/scooters. They were armed with Kirpans, rods, baseball and iron pipes. They rounded up their van and attacked at them with their respective weapons and inflicted injuries to them and thereafter, ran away from the spot along-with their respective weapons.

3. Learned counsel for petitioner strongly argued that accused is in custody since 28.04.2024. Investigation has been completed. No purpose will be served to put the accused behind the bar. Moreover, learned counsel for petitioner further argued that the main complainant on whose behalf, the FIR has been registered against the accused persons, namely, Sukhmander Singh @ Mander Singh son of Joginder Singh has been compromised with the accused persons with the intervention of the respectable persons for the better understanding and for the better future prospectus of the parties. The learned counsel for petitioner further argued that under such circumstances, no purpose would be served to put the petitioner behind the bar.

4. The learned APP for the State assisted by counsel for complainant of another victim/injured Sameer have strongly opposed the bail application on the ground that the offences are non-compoundable and the real injured/victim is Sameer, who is lying on the death bed in the Hospital and placed photographs on file, whose skull is totally broken and further argued that major surgery is to be conducted and there are bleak

chances for his surviving (victim Sameer). Investigating Officer Buta Singh ASI is also present in the Court, who has stated that the investigation is going on. Earlier this patient/victim Sameer was not fit for his statement and he has also placed on file injury chart of injured Sameer that injury No.3 which has been hit on head by accused Happy alongwith the other co-accused including the present petitioner i.e. dangerous to life.

5. Learned APP for the State has relied upon **Parkash Kadam Vs. Ramprasad Vishwanath Gupta, (2011) 6 Scale 236: 2011 Cr.LJ 3585 (Supreme Court)**, where Hon'ble Apex Court has held that *'in considering whether to cancel the bail the court has to consider the gravity and nature of the offences, prima-facie case against the accused, the position and standing of the accused etc. If there are very serious allegations against the accused his bail may be cancelled even if he has not misused the bail granted to him. Moreover the above principle applies when the same court which granted bail is approached for cancelling the bail. It will not apply when the order granting bail is appealed against before an appellate/revisional court'*

6. I have also gone through the statement of Sameer which has been recorded on 02.05.2024 wherein he has named all the accused persons including the present petitioner and I have also gone through the medical record of the victim Sameer, where the Medical Officer, Civil Hospital, Bathinda gave his opinion that as per record, Injury No.1 is dangerous to life and at this stage, he cannot give any specific opinion and for this purpose, specific DDR No.22 dated 11.05.2024 has also been recorded by ASI Buta Singh on the basis of statement of concerned doctor that injury No.1 is

dangerous to life and no specific opinion can be given at this stage. So also co-accused are fleeing and investigation is going on and the injured Sameer is still in the Hospital and has been going on major surgery of his skull. So at this stage, there is force in the arguments of learned APP for the State assisted by learned counsel for the complainant that if at this stage, accused is released on bail, they will definitely interfere in the investigation process and threaten the victim as earlier victim has compromised the matter. Although this is a non-compoundable offence. So there is no merit in the present bail application. Hence, the same is hereby declined.

7. Bail application file be attached with the main case, if any, otherwise be consigned to the Record Room.

Pronounced in the open Court.
Date of Order: 29.05.2024
Rajesh Kumar, Steno.Gr.II

(Dr. Ranjan Kumar Khullar,)
Addl. Sessions Judge,
Bathinda/29.05.2024.
UID No.PB0215