

**IN THE COURT OF PARMINDER SINGH RAI
ADDITIONAL SESSIONS JUDGE, GURDASPUR**

CIS No. BA/1814/2023
CNR No. PBGD01-004603-2023
Date of Order: 08/06/2023

Amrinder Singh s/o Baljinder Singh, r/o Village Nikko, Sarai, Tehsil
Dera Baba Nanak, District Gurdaspur.

.....Petitioner

Versus

State

.....Respondent.

FIR No.49 Dated 23.04.2023
U/Ss 307, 427, 148, 149, 452, 323 IPC
and 25/27 Arms Act,
Police Station:- Dera Baba Nanak

Bail application under Section 438 Cr.P.C.

Present: Sh. Deepak Sharma, Advocate, counsel for petitioner.
Sh. Kiran Kumar, Ld. Addl. P.P for the State.

ORDER

Bail application put up before the undersigned being Judge on Duty. Present petition has been filed by petitioner seeking pre-arrest bail under Section 438 of Cr.P.C. for the alleged commission of offences as mentioned above.

2. Upon notice, learned Additional P.P put in appearance on behalf of respondent-State and contested the bail application. Police record was also requisitioned.

3. It is submitted by learned counsel for petitioner that petitioner is innocent and he has been falsely implicated in the

present case due political pressure. Petitioner has not committed any offence. Petitioner is ready to join the investigation and to cooperate in the same, so he may be admitted to pre-arrest bail.

4. On the other hand, it is submitted by learned Addl. P. P that the custodial interrogation of petitioner is required for further investigation in the present FIR, as such, present bail application may be dismissed.

5. I have considered rival contentions of learned counsel for petitioners as well as of learned Additional Public Prosecutor and also perused the record.

6. As per the allegations in the FIR, on 22.04.2023, at about 9:30 p.m., when the complainant and his brother were standing on the terrace of their house, accused Shamsher Singh alongwith some other persons came in the street. He had fired towards the complainant and his brother with his rifle. Out of 9/10 unidentified persons with the accused Shamsher Singh, two persons were armed with pistols and they also allegedly fired towards the complainant. Thereafter some persons threw brick-bats inside the house of the complainant. When the complainant raised raula, they left the spot. Later on, they went to the house of Ashwani Kumar son of Kashmiri Lal, with whom the applicant/accused is having some dispute with regard to fair price of ration depot. They had fired outside the house of Ashwani Kumar and also caused damage to his car.

7. The counsel for the accused has contended that matter has even been compromised. Even the case has been no injury case. Even co-accused Shamsher Singh has also granted the concession of pre-arrest bail by the Court of Sh. Rajinder Aggarwal, Ld. Sessions Judge, Gurdaspur vide order dated 25.05.2023. So in such circumstances, it would be in larger interest of justice and investigation and even in the fitness of things as well that accused applicant be directed to join the investigation. As such, applicant is hereby ordered to join the investigation before the investigating officer on or before 24.06.2023, subject to the following conditions that:-

1. That he will not hinder the ongoing investigation;
2. That he will not leave the country without prior permission of the Court;
3. That he will not make any threat, promise or inducement to any person conversant with the facts of the case to dissuade them from disclosing the truth to the Court or police;
4. He shall join the investigation as and when asked by the investigating officer,
5. He shall cooperate with investigation in the matter of present case and further subject to the fulfillment of Section 438(2) Cr.P.C

For report and consideration to come upon 27.06.2023.

Pronounced
Dated:08/06/2023
Gurpreet Singh, Stenographer-II

(Parminder Singh Rai)
Addl. Sessions Judge,
Gurdaspur/Duty

Present: Sh. Deepak Sharma, Advocate, counsel for petitioner.
Sh. Kiran Kumar, Ld. Addl. P.P for the State.

Police record produced. Arguments heard. Vide my separate detailed order of even date, petitioner has been granted interim bail as per the conditions referred therein. For report and consideration to come upon 27.06.2023.

Pronounced
Dated:08/06/2023
Gurpreet Singh, Stenographer-II

(Parminder Singh Rai)
Addl. Sessions Judge,
Gurdaspur.