

**IN THE COURT OF VIKRANT KUMAR,
ADDITIONAL SESSIONS JUDGE,
MOGA (UID No.PB00213).**

CNR No.PBMO010047422023
CIS Filing No.BA/1788/2023.
Date of order : 23.08.2023.

State Versus Sukhchain Singh son of Darshan Singh, resident of
Ward No.13, Jalandhar Road, Dharamkot, District
Moga.

----Applicant-accused

FIR No.142 dated 15.07.2023
Under Sections :- 324,336,148,149 IPC and 27 of
Arms Act (Section 326 IPC added lateron)
Police Station : Dharamkot.

GD No.27 dated 17.07.2023.
Under Sections :- 379,323,447,427,336,506,148,
149 IPC and 25,27 of Arms Act.
Police Station :- Dharamkot

Bail Application under Section 438 Cr.P.C.

Present :- Shri Rajpal Sharma, Advocate for accused-applicant Baljit Kaur.
Shri Sahib Singh, Additional Public Prosecutor for State.

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ORDER

1. The brief facts of the case, which require consideration for disposal of present bail application are that present FIR was registered on the statement of complainant Resham Singh son of Pakhar Singh. It is alleged that he is an agriculturist. On 4.07.2023, he was ploughing his land with his Mahindra Tractor whereas his brother was ploughing his land with Farmtrac Tractor. At about 8.00 p.m., Manjit Kaur wife of Darshan Singh, Sukhdev Singh son of Pakhar Singh, Jasbir Kaur wife of Sukhdev Singh, Gurmit Kaur wife of Bhupinder Singh, Manvir Kaur wife of Raminder Singh came on Scorpio vehicle bearing No.PB-05/V-5880 and Sukhchain Singh son of Darshan Singh on his Sonalika D160 tractor and Bhupinder Singh son of Nachhattar Singh armed with 12 bore double barrel gun was sitting on right mudguard whereas Ajaib Singh son of Darshan Singh was sitting on left mudguard of above said tractor. Farmtrac-65 Tractor was driven by Gurjit Singh son of Bhupinder Singh. On its right mudguard, Davinder Singh @ Raminder Singh son of Nachhattar Singh armed with kirpan was sitting whereas on left mudguard Manpreet Singh son of Sukhdev Singh armed with kirpan was sitting. One unknown tractor was also there. Sukhdev Singh was having 32

bore revolver. Manjit Kaur raised lalkara. At this, Sukhdev Singh fired from his 32 bore revolver whereas Ajaib Singh and Bhupinder Singh fired from their 12 bore rifles. Raminder Singh gave kirpan blow hitting palm of his left hand. He raised alarm. His son Gurjant Singh and brother Bikkar Singh attracted to the spot. Manpreet Singh gave kirpan blow hitting his left ear. On raising alarm by his son Gurjant Singh and brother Bikkar Singh, all the assailants ran away along with their respective weapons on their respective vehicles from the spot. His son Gurjant Singh made arrangement for conveyance and got him admitted in Civil Hospital, Kot Ise Khan, from where, he was referred to Civil Hospital, Moga, where he is undergoing treatment. The motive behind the assault is that in the partition, land near to their house fell into their share and they are in possession of the same for the last 15 years, but the accused forcibly wanted to take possession of said land. Thus, they in connivance with each other inflicted injuries on his person. Earlier also, FIR No.40 dated 10.03.2023 under Sections 326,324,148,149 IPC at Police Station Dharamkot was lodged against them. Action be taken against the culprits.

2. DDR No.27 dated 17.07.2023 was lodged by SI Balwinder Singh on the basis of statement of Raminder Singh son of Nachhattar Singh. It is alleged that he is an agriculturist. He is having two acres of land near the house of Resham Singh son of Pakhar Singh, wherein they planted the paddy. On 14.07.2023, he along with his cousin Manpreet Singh son of Sukhdev Singh visited the motor installed in their fields. At about 8.00 p.m., Resham Singh son of Pakhar Singh armed with gandasas, Gurjant Singh son of Resham Singh, Gurpreet Singh son of Bikkar Singh, Jalour Singh son of Nazar Singh, Jaspal Singh son of Shivchand Singh, Baljit Kaur wife of Resham Singh, Rajbir Kaur wife of Gurpreet Singh, Hardeep Singh son of Bawa Singh, Chhinda Singh son of Bahal Singh and 15-16 unknown persons armed with rifles came there. Gurpreet Singh was on his Farmtrac-6055 tractor whereas Gurjant Singh was on Mahindra tractor. Hardeep Singh Fauji came there on his Bolero and Chhinda Singh armed with 32 bore revolver came on his Innova vehicle. Bikkar Singh was having traggles and raised lalkara. Gurjant Singh and Gurpreet Singh ploughing their paddy crop. Chhinda Singh and unknown persons fired from their rifles. Resham Singh gave gandasas blow hitting straight on his head. He fell on the ground. While

lying on the ground, these persons snatched his two tolas gold chaini and gave him fist blows. He and Manpreet Singh raised alarm. Then all the assailants while raising lalkaras ran away from the spot. In the meantime, his brother Bhupinder Singh came at the spot, who made arrangement for conveyance and got him admitted in Civil Hospital, Moga, where he is undergoing treatment. It is alleged that motive behind the assault is that the assailants wanted to take possession of their land. As such, they ploughed their paddy crop. In connivance with political leaders and higher authorities, they wanted to take forcible possession of their ancestral land. Resham Singh after inflicting injuries on his person, got admitted in hospital. Action be taken against the culprits. Applicant-accused could not be arrested. Now, apprehending her arrest, applicant-accused has filed present pre-arrest bail application.

3. Learned counsel for accused-applicant has submitted that the accused-applicant has been falsely implicated in the present case. He never caused any injury to any person. Present FIR is a counter blast to a Civil Suit titled Darshan Singh Versus Resham Singh and Others, in which injunction order has been passed by Hon`ble Court. The complainant tried to grab property of accused-applicant party. He is mediator between the parties and tried to solve the matter between them. Thus, custodial interrogation of accused-applicant is not required. He prayed for acceptance of pre-arrest bail

4. On the otherhand, learned Additional Public Prosecutor has submitted that the accused-applicant along with co-accused tried to grab the land of complainant party. Thus custodial interrogation of accused-applicant is required. He prayed for dismissal of bail application.

5. I have heard learned counsel for the applicant-accused as well as learned Additional Public Prosecutor and have gone through the record.

6. From perusal of FIR, it transpires that allegations against accused-applicant is that co-accused of accused-applicant fired shots so as to endangering life and personal safety of others and inflicted grievous as well as simple injuries on the person of complainant. It is a cross-case and parties are related to each other. The applicant party is aggressor party, who caused grievous injury on the person of complainant party. Apprehension of the prosecution is that in case applicant-accused is granted concession of anticipatory bail, it will give wrong impression in the minds of general

public, which is uncalled for. Moreover, possibility of her tampering with the evidence cannot be ruled out. Anticipatory bail applications of co-accused Ajaib Singh, Manvir Kaur, Jasvir Kaur, Manpreet Singh, Gurmeet Kaur, Raminder Singh and Manjit Kaur have already been dismissed. Thus, principle of parity applies in the present case. Accordingly, in view of the seriousness of the offence, custodial interrogation of applicant-accused is required. Thus, present bail application stands dismissed. File be consigned to record room.

Pronounced.
Dated :- 23.08.2023.

Jagjit Singh Panesar, Stenographer-I

(Vikrant Kumar)
Additional Sessions Judge,
Moga (UID No.PB00213).