

IN THE COURT OF RAKESH KUMAR,
UID NO.PB-0138,
ADDITIONAL SESSIONS JUDGE,
KAPURTHALA.

CNR No. PBKP010042892023



Case No. BA/1784/2023

Presented on : 19-08-2023
Registered on : 21-08-2023
Decided on : 28-08-2023

Swaran Kaur, w/o Surinder Singh, aged about 55 years, r/o Village Fattu
Dhinga, District Kapurthala.

..... Applicant/accused

Versus

State of Punjab.

..... Respondent.

FIR No.54 of 28.07.2023,
U/s 323, 324, 326, 148, 149 of Indian Penal Code,
Police Station: Fattu Dhinga, District Kapurthala.

Application for bail under section 438 of Cr.P.C.

Present: Sh.Rahul Sharma, Advocate counsel for applicant/accused.
Ms.Aarti Mehta, Addl. Public Prosecutor for the State.

O R D E R

2. Record perused. **Arguments have been heard** on the present
bail application of above-referred applicant/ accused Swaran Kaur in the
aforesaid FIR bearing No.54 of 28.07.2023.

3. The learned counsel for the applicant has vehemently contended

that the applicant was quite innocent and she was in no way connected with the alleged commission of crime. The applicant has not committed any crime. The name of the applicant has been added due to personal enmity. Complainant Mohinder Singh has also caused injuries at the person of husband of applicant. Nothing is to be recovered from the applicant. There is no direct or indirect evidence against the applicant. The applicant is ready to join the investigation. So, the applicant is entitled to bail.

4. On the other hand, Addl. PP for the State has opposed the present bail application. The APP for the State has contended that serious allegations have been levelled against the applicant/ accused and her associates in the present case. Releasing the present applicant/ accused on bail would give a wrong signal to the society. There was every likelihood of the applicant/ accused tampering with the evidence. Thus, she is not entitled to the concession of bail.

5. I have heard the submissions made by learned counsel for the applicant/ accused and learned Addl. PP for the State.

6. The allegations in the present case are that complainant Mohinder Singh got recorded his statement that on 16.07.2023 at about 01.00/ 01.30 PM, he was irrigating his fields as per his turn. In the meantime, his brother Sulinder Singh armed with kirpan, his sister-in-law Swaran Kaur armed with wooden pestile, his nephew Swaran Singh along with 02 unknown persons armed with wooden sticks / pestiles came there. Then, the aforesaid Swaran Kaur i.e. sister-in-law of complainant Mohinder Singh raised a slogan on which, his brother Sulinder Singh gave a kirpan blow, which hit at the left arm of complainant. The aforesaid nephew of

complainant namely Swaran Singh also gave datar blow at the back of complainant on left side and he fell down on the ground. Then, the aforesaid Swaran Kaur i.e. sister-in-law of complainant Mohinder Singh, gave wooden pestile blows at the back of complainant. The aforesaid unknown persons also gave beatings to the complainant with wooden sticks/ pestiles.

7. Thus, there are direct and specific allegations against the applicant/ accused Swaran Kaur and her other associates that on the relevant day i.e. 16.07.2023, they gave injuries at the person of complainant Mohinder Singh that too with deadly weapons. There are allegations that non applicant/ accused Sulinder Singh gave a kirpan blow at the left arm of complainant and Swaran Singh gave a datar blow at the back of complainant. So far as present applicant/ accused Swaran Kaur is concerned, there are allegations that she gave wooden pestile blows at the back of complainant. Moreover, the injury No.1 at the person of complainant has been declared grievous in nature. The recovery of weapon of offence is also required to be effected from the applicant/ accused.

8. Now, for the purpose of investigation and to give the logical end to that investigation proceedings, the custodial interrogation of the applicant/ accused is very much warranted, especially in view of the allegations against her and to recover the weapon of offence from her. An FIR can not be encyclopedia of a crime, rather custodial interrogation of such like offences will unearth the real story. Therefore, custodial interrogation of the applicant/ accused is found only answer.

9. Consequently, the present anticipatory bail of the applicant/ accused Swaran Kaur is, hereby, declined and disposed off. However, any

Swaran Kaur
Vs.
State of Punjab

-4-

UID No.PB0138

observation made herein shall not be construed to be an expression on merits of the case. This bail application file be consigned to the judicial record room accordingly.

Pronounced in open Court.

Dated: 28.08.2023

Kaushal Kumar

(Directly dictated on computer)

(Rakesh Kumar)
Addl. Sessions Judge,
Kapurthala.
UI Code – PB0138