

**CNR No.PBFZ0100-5512-2021**

**BA No.693, dated.23.08.2021**

CIS No. BA/1786 of 2021

Date of Order: 24.08.2021

**(Application under section 438 Cr.P.C.)**

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Present: Sh. Mehar Singh, Adv., counsel for the applicant/accused.

Sh. Rajiv Chaudhary, Additional PP for the State.

## **O R D E R**

1. Heard on the bail application filed by applicant/accused Rasal Singh, under Section 438 of Cr.P.C, pertaining to FIR No.64, dated 27.04.2018, under section 307,336,506,148,149 IPC and Section 25/27/54/59 Arms Act, Police Station, Makhu, wherein learned Additional PP for the State has opposed the same on the ground that there are serious allegations against the applicant/accused.

2. Perusal of the FIR as well as police record shows that the present case has been registered on the complaint of Satpal Singh with the allegations that the applicant/accused alongwith other co-accused/non-applicants used to cross their tractor-trolleys filled with the illegal sand from the road opposite to the house of the complainant.

3. It is further stated that on the alleged day of occurrence,

when the complainant stopped them, then they halted their tractors and called some other persons, who came at the spot on the Bolero.

4. It is further alleged that afterwards, Kashmir Singh armed with 12 bore gun, Khajan Singh armed with 315 bore rifle, Gurpreet Singh armed with revolver, Satnam Singh armed with 12 bore gun, Lakhwinder Singh, Rasal Singh and Pishora Singh took out 12 bore gun from the vehicle of Kashmir Singh and then and there they started firing towards him with intention to kill.

5. It is further alleged that afterwards, complainant ran towards him but they kept on firing towards him. Hence the present FIR has been registered.

6. At the very outset, learned counsel for the applicant/accused has stated that the other co-accused Gurnam Singh, Gursewak Singh and Khajan Singh had already been granted concession of anticipatory bail by this court, as such, case of the applicant/accused Rasal Singh is similar with the aforesaid accused. Therefore, on parity, he must also be granted concession of bail, in addition to the fact that he has also stated that even some of the co-accused/non-applicants namely Gurpreet Singh, Simranjit Singh @ Samma and Satnam Singh have already been declared innocent.

7. Besides that he has further stated that it is no injury case and the applicant/accused has been nominated in the present case only being the relative of other co-accused/non-applicant, as such, prayer has been made to grant anticipatory bail.

8. Per Contra, learned Additional PP for the State on the instructions from ASI Ranjit Singh has stated that it is case, where, applicant/accused alongwith other co-accused/non-applicants came at the spot with weapons and thereby fired shots towards the complainant with intention to kill, as such, prayer has been made for dismissal of the present bail application.

9. Now reverting back to the present controversy in view of the argument advanced by both the parties, this court do not find any substance in the plea taken by the learned counsel for the applicant/accused, as far as grant of anticipatory bail, by this court to the other co-accused/non-applicants Khajan Singh, Gurnam Singh and Gursewak Singh, as the case of the applicant/accused at different footing, as per the allegations levelled in the FIR.

10. Perusal of the FIR shows that it is Lakhwinder Singh, Rasal and Pishora Singh, who not only took 12 bore gun from the vehicle of Kashmir Singh but alongwith other co-accused/non-applicants had also

started firing towards the complainant with intention to kill.

11. Be that as it may, in addition to the aforesaid fact, even bail application of Lakhwinder Singh and Pishora Singh, had already been declined by the learned Predecessor vide order dated 18.07.2018 and 30.07.2018 respectively, as such, in view of the aforesaid factual position, rather position of Rasal Singh is similar to co-accused/non-applicant Lakhwinder Singh and Pishora Singh, whose bail application has already been declined by the learned Predecessor.

12. Therefore, while taking into consideration the aforesaid factual position as well as gravity of the offence, as the recovery of weapon, which he alongwith other co-accused/non-applicants has allegedly taken out from the vehicle of Kashmir Singh, is to be effected, though, the present case is of no injury case, as such, the present bail application filed by the applicant/accused is dismissed and disposed of.

13. Anything stated herein will not affect the merits of the case. File be consigned to the record room.

Pronounced in open Court.

Dated: 24.08.2021

yashpaul

Sd/-(Sachin Sharma)  
Additional Sessions Judge,  
Ferozepur.

UID No.PB0519