

IN THE COURT OF RAMESH KUMARI, (UID No.PB0039)
SESSIONS JUDGE, GURDASPURBail Application No.148 of 01.07.2019
Date of Decision: 11.07.2019Kuldip Singh @ Sabi s/o Sucha Singh, r/o Ajit Nagar, Bhaini Mian
Khan, Tehsil and District Gurdaspur.

...Applicant/accused
Versus
State of Punjab ...Respondent

1st Bail Application U/s 438 Cr.P.C.**A N D**CIS No.BA-1794-2019
CNR No.PBGD01-006834-2019Bail Application No.152 of 01.07.2019
Date of Decision: 11.07.2019Balwinder Singh @ Teeta s/o Gura Ram, r/o village Awan, Tehsil and
District Gurdaspur.

...Applicant/accused
Versus
State of Punjab ...Respondent

1st Bail Application U/s 438 Cr.P.C.**A N D**CIS No.BA-1792-2019
CNR No.PBGD01-006839-2019Bail Application No.150 of 01.07.2019
Date of Decision: 11.07.2019Balwant Singh @ Kaku son of Bahadur Singh, r/o village Alma, Tehsil
and District Gurdaspur.

...Applicant/accused
Versus
State of Punjab ...Respondent

1st Bail Application U/s 438 Cr.P.C.

A N DCIS No.BA-1791-2019
CNR No.PBGD01-006838-2019Bail Application No.149 of 01.07.2019
Date of Decision: 11.07.2019Baljit Singh s/o Balwant Singh r/o village Alma, Tehsil and District
Gurdaspur.

Versus ...Applicant/accused

State of Punjab ...Respondent

1st Bail Application U/s 438 Cr.P.C.FIR No.47 dated 19.06.2019
Under Sections : 323, 324, 341, 336, 379, 427, 148, 149 IPC and
25-27 of Arms Act
Police Station: Bhaini Mian Khan.Present: Shri Pardeep Singh Advocate, counsel for applicants/accused.
Shri A.P.S. Sandhu, Public Prosecutor for the State.ORDER:

By this common order, four bail applications, bearing Bail Application No.152 of 01.07.2019, preferred by applicant Balwinder Singh @ Tita, Bail Application No.150 of 01.07.2019, preferred by applicant Balwant Singh @ Kaku, Bail Application No.149 of 01.07.2019, preferred by applicant Baljit Singh and Bail Application No.148 of 01.07.2019 preferred by applicant Kuldeep Singh @ Sabi, shall be decided together. Applicants have sought pre-arrest bail in

case FIR No.47 dated 19.06.2019, under Sections 323, 324, 341, 336, 379, 427, 148, 149 IPC and 25-27 of Arms Act, registered at Police Station, Bhaini Mian Khan.

2. Notice of bail applications was issued to the State and police record perused.

3. The facts necessary for disposal of present bail applications are that the aforesaid FIR has been registered at the instance of complainant Hardevpal Singh son of Gurdevpal Singh, who in his complaint has alleged that on 10.06.19, he alongwith his wife Monika had gone to CMC Ludhiana, to see their relative and they had parked their Maruti Alto car bearing No.PB-06-G-6571 at railway station, Mukerian. On return from Ludhiana, he took his car and when they were going towards bus stand, Mukerian, they noticed Lavkesh @ Lav son of Ajit Singh following them on a motorcycle. Complainant further stated that his wife boarded a bus for Pathankot, whereas he started towards his village, because his father was waiting for the car. At about 1.00 p.m., when he was 500 meters behind his village, then Balwant Singh @ Kaku son of Bahadur Singh, Sahil @ Bhau son of Uttam Singh, armed with baseball, Baljit Singh (Sarpanch) son of Balwant Singh armed with Baseball and revolver and Kuldip Singh @ Sabi son of Sucha Singh came on a tractor make Mahindra 555 and hit the tractor in his car. Complainant further stated that when he was about to turn back his car then Jaspinder Singh @ Gullu son of Mukhwinder Singh @ Mukha, who was armed with a baseball, placed

a JCB behind his car, whereas Jaswinder Singh @ Jagga son of Kulwant Singh parked his Bolero vehicle on the right side of his car and Balwinder Singh @ Teeta (Sarpanch) son of Gura Ram was also sitting with said Jaswinder Singh and they both were also armed with baseball. Balwant Singh and JCB driver Jaspinder Singh pushed and turned turtle the car of complainant towards Dhussi Ban. Complainant further stated that all the assailants took him on the metalled road and Baljit Singh fired a shot with a pistol and raised a Lalkara to catch hold of complainant and be taught a lesson for contesting the panchayat election against them. Then Balwinder Singh @ Teeta threw the complainant on the ground and tied his hands and feet with a cloth. Sahil @ Bhau snatched ₹ 9200/-, one mobile phone Apple bearing SIM No.9872251620, one key of moped, railway tickets, one gold kara weighing 02 Tola, one silver ring and one iron ring from the complainant. Then Balwant Singh @ Kaku took out a datar from the tractor and gave its blow on the person of complainant, which hit on his right leg, Jaswinder Singh @ Jagga gave a baseball blow, which hit below right knee, Kuldeep Singh gave baseball blow on right leg, Jaswinder Singh @ Gullu gave baseball blow, which hit on right ankle, Balwinder Singh @ Teeta gave baseball blow which hit on right foot, Sahil @ Bhau gave base ball blow on left ankle, Lavkesh @ Lav gave kick blow on the back of complainant. Complainant further stated that 3-4 unidentified persons were also accompanying the aforesaid assailants, who were exhorting the aforesaid assailants. Meanwhile

father of the complainant reached the spot and then all the assailants alongwith their respective weapons ran away from the spot. Injured complainant was taken to the hospital for treatment. The motive behind the occurrence was that complainant had raised objections against Baljit Singh, Sarpanch in Panchayat elections and at the time of nomination, Baljit Singh had threatened the complainant to break his arms-legs if he contested the said election. The matter was reported to the police and the police swung into action and the aforesaid FIR has been registered.

4. Learned counsel for the applicants/accused has argued that the applicants/accused are innocent and they have not committed any alleged offence. He further argued that cross-version case under Sections 323, 324, 326, 34 IPC has also been registered on the statement of applicant/accused against the complainant party vide GD No.29 dated 21.06.2019. He further argued that applicant/accused Balwant Singh is attributed injury with datar on non-vital part of complainant, applicant/accused Baljit Singh is attributed simple injury with baseball on right leg fibula of complainant, applicant/accused Kuldip Singh is also attributed one injury with baseball on right leg febula, which is non-vital part and applicant/accused Balwinder Singh is also attributed one injury with baseball, which is on right foot of complainant. He further contended that the applicants/accused apprehends arrest and illegal confinement. The applicants/accused are

ready to join the investigation and prayed for grant of anticipatory bail to the applicants/accused.

5. These arguments have been refuted by Shri A.P.S. Sandhu, learned Public Prosecutor by contending that allegations against applicants/accused are serious in nature. He argued that applicants/accused alongwith other co-accused were armed with pistol, datars and baseball bats and they had caused multiple injuries on the person of complainant. He further argued that pistol and other weapons used in causing injuries are yet to be recovered from the applicants/accused and for effective investigation of the case, custodial interrogation of the applicants is required. Learned Public Prosecutor also contended that cross-version case registered on the basis of statement of accused party was found doubtful during enquiry and a DDR regarding this is lodged in P.S. Bhaini Mian Khan for cancellation of said FIR.

6. I have heard learned counsel for the applicants/accused, learned Public Prosecutor for the State and have also gone through the police record.

7. As per allegations of the prosecution, the applicants/accused were duly armed with a revolver, datars and baseball etc. and they had caused multiple grievous and simple injuries on the person of the complainant. Applicant/accused Balwant Singh caused injury with a datar on the left ankle of complainant. Applicant/accused Baljit Singh is attributed lalkara, but he was duly

armed with a baseball and he also fired a shot in air with a pistol. Though no fire arm injury is caused to anybody, but since fire arm is used, which may have impact of threatening and intimidate the witness. Applicant/accused Kuldeep Singh @ Sabi has armed with a baseball and he caused injury on the right leg of complainant and thereafter applicant/accused Baljit Singh also caused injury with a baseball on the same part of the body of complainant. This means that if injury is caused by two persons on the same part of the body, it has more impact on that part of the body and their intention was to cause maximum damage on the part of body on which accused Kuldeep Singh had already inflicted injury by means of baseball. So far as applicant/accused Balwinder Singh is concerned, he had tied the hands and feet of complainant with a parna (cloth) and he acted in a manner to assist the other co-accused to inflict injuries on different parts of his body by means of different weapons. The applicants/accused were armed with different weapons of offence including one pistol and for the recovery of weapons, the custodial interrogation of the applicants/accused is essential. Since grant of bail depends on facts and circumstances of each case, consequently, in the entirety of facts and circumstances of this case and considering the nature and gravity of offence, this Court is of the view that it is not such a case in which extraordinary relief of anticipatory bail should be granted to the applicants/accused and accordingly all the four bail applications are hereby dismissed. An attested copy of this order be placed on the file

of Bail Application No.149 of 01.07.2019, CNR No.PBGD01-006838-2019, titled as *Baljit Singh Versus State of Punjab*; Bail Application No.150 of 01.07.2019, CNR No.PBGD01-006839-2019, titled as *Balwant Singh Versus State of Punjab*; and Bail Application No.152 of 01.07.2019, CNR No.PBGD01-006834-2019, titled as *Balwinder Singh Versus State of Punjab*. Police record be returned. Bail application files be consigned to the record room.

Pronounced:
11.07.2019

(Ramesh Kumari)
Sessions Judge, Gurdaspur.
(UID No.PB0039)

(*Vinay*)