

**IN THE COURT OF Ms. ARCHNA KAMBOJ, ADDITIONAL
SESSIONS JUDGE, GURDASPUR.**

UNIQUE IDENTIFICATION CODE NO. PB0202

Bail application no. 213 of 23.06.2020

Date of Decision: 25.06.2020

CIS no. BA-1784-2020

FIR no. 0082 dated 30.11.2019

Under Section: 354/323/324/34 IPC

P.S. Bhaini Mian Khan

Kewal Singh aged about 56 years, son of Swaran Singh, resident of village Kishanpur, P.S.Bhaini Mian Khan, Tehsil and District Gurdaspur

.....Accused/applicant

Versus

State of Punjab

First bail application under Section 438 CrPC.

Present: Shri S.S.Dhaliwal, Advocate, counsel for accused-applicant.
(through video conference)
Shri Kiran Kumar, Addl.P.P for the State. (through video conference).

ORDER

1. This is an application for seeking bail under Section 438 Criminal Procedure Code moved on behalf of above said accused/applicant Kewal Singh in the aforementioned FIR.
2. Notice of bail application was given to State, consequent upon which learned APP for the State had put in appearance. Police record has also been received.
3. I have heard the learned counsel for accused-applicant, learned Additional PP for the State (both through video conference) and have also perused the record very minutely with their able assistance.

4. It has been submitted as well as argued on behalf of accused-applicant Kewal Singh that the police of P.S. Bhaini Mian Khan has falsely roped the accused-applicant and others in the above noted false and frivolous case under political pressure on false complaint of Baljit Kaur wife of Jagwinder Singh, Tehsil and District Gurdaspur. It has further been submitted that the accused/applicant is totally innocent and has not committed any offence but he has been falsely roped in this false case under political pressure on account of party faction in the village. It has further been submitted that infact, the complainant party of the present case, caused simple and grievous injuries on the person of accused/applicant and non applicant Gurdeep Singh and they were medico legally examined at CHC Bhaini Mian Khan. MLRS were handed over to the police, but the police due to political pressure, instead of registration of criminal case against the complainant party, registered the present false case against the accused/applicant and others under political pressure. It has further been submitted that entire story put forth in the FIR is totally false and concocted one and has no ring of truth. It has further been submitted that there is an unexplained delay of 5 days in between the alleged occurrence and registration of present false case, and as such possibility of false implication and concocted version cannot be ruled out. It has further been submitted that the police is continuously raiding the house of the applicant, hence, the applicant is apprehending his arrest and unlawful confinement at the hands of the police. It has further been submitted that accused-applicant will join investigation as and when

ordered. It has further been submitted that the accused-applicant will not leave the country without prior permission of the court. It has further been submitted that accused-applicant will abide by all the terms and conditions imposed upon him by court. In support of his contention learned counsel for accused-applicant has placed on record photocopy of Xray report of Kewal Singh, photocopy of Xray report of Gurdeep Singh and finally prayer for grant him anticipatory bail has been made.

5. On the other hand, while controverting the contentions put forth by learned counsel for accused-applicant, learned Additional PP for the State vehemently opposed the contentions put forth on behalf of the present accused-applicants and argued that serious allegations have been leveled against the present accused/applicants and as such, they do not deserve the leniency of the court in grant of relief of anticipatory bail and finally prayer for its dismissal has been made.

6. From the arguments put forth by both the parties and after perusing the record, it has come to the forefront that the present case was registered on the statement of Baljit Kaur wife of Jagwinder Singh resident of Kishanpur to the effect that she was resident of aforementioned address and was household lady. Her husband Jagwinder Singh had retired from army and was getting pension and presently he was taking care of their agricultural land. On 25.11.2019 her husband Jagwinder Singh went to the tubewell which was joint while she was at her home. Her brother-in-law (Jeth) Gurdeep Singh son of Charan Singh, Uttam Singh son of Gurdeep Singh, Kewal Singh son of Swaran Singh all resident of Kishanpur

were already present in the fields. At about 6:15 PM Resham Singh son of Amrik Singh and Pamma son of Bua Singh both residents of Kishanpur told her that aforementioned three persons were fighting with her husband. Consequent upon which she went to the spot and saw that the aforementioned three persons were fighting with her husband. When she stopped them from doing so, Kewal Singh son of Swaran Singh caught hold of her and pushed her on the bed and outraged her modesty. She suffered injuries and her husband Jagwinder Singh rescued her from the clutches of Kewal Singh and thereafter she returned back from home. After some time her husband also returned who was injured and told her that Kewal Singh gave a dattar blow on his head and Uttam Singh gave injuries on his body with a stick. Gurdeep Singh dragged him from his hair. She called her sister Jasbir Kaur and narrated the entire incident. Thereafter they were taken to Civil Hospital Bhaini Mian Khan for their treatment. She further stated that the motive behind the said incident was that a dispute was going on between them regarding the joint tubewell. Respectables of the society were trying to effect compromise which did not fructify and she finally prayed that appropriate action may be taken against the said persons.

7. Needless to say that the said fact of the alleged acts of causing injuries on complainant and her husband and outraging the modesty of complainant by present accused-applicant will come into light at the time of appreciating evidence led during trial and at this stage, it would not be appropriate to jump to any conclusions. There is a delay of 5 days in registration of present FIR. So, at this stage, without

commenting upon the merits of the case, the accused/applicant is directed to join the investigation as and when called by investigating officer and is further directed to co-operate with the investigating agency and investigating/arresting officer shall admit him to interim bail to its own satisfaction till the next date of hearing subject to the conditions envisaged under section 438(2) Clauses (i), (ii) and (iii) of Cr.P.C. Now to come up on 30.06.2020 for awaiting the report of Investigating Officer regarding the fact, whether accused/applicant has joined the investigation or not.

Pronounced in the open Court
Dated: 25.06.2020

(Archna Kamboj)
Addl. Sessions Judge,
Gurdaspur. UID no. PB0202 (D)

Krishan Goyal, Steno-III