

IN THE COURT OF MS. RAJNI CHHOKRA,
ADDITIONAL SESSIONS JUDGE, FAST TRACK COURT,
EXCLUSIVELY TO DEAL WITH RAPE CASES, FEROZEPUR.
(UID No.PB-0168)(Duty)

PBFZ010033652020



BA/1788/2020

CIS No. BA/ 1788 of 2020
CNR No. PBFZ0100-3365-2020
Date of order : 10.09.2020

1. Nishan Singh aged 45 years son of Piara Singh.
 2. Jarnail Singh aged 39 years son of Santokh Singh.
 3. Paramjit Singh aged 26 years son of Gurmeet Singh all residents of Village Churri Wala, Gatti Rahime Ke, Tehsil and District Ferozepur.
-Applicants/accused.

Versus

The State of Punjab.

.....Respondent.

Bail Application under Section 438(i) of Cr.P.C.

...

FIR No. 166 dated 13.08.2020

PS Sadar Ferozepur.

Under Sections 452/323/506/148/149 of IPC

Present: Sh. Paramjeet Singh Rai, Advocate Counsel for applicants/accused.
Sh. Balwinder Singh, Additional PP for the State.
(Both through VC Link).

ORDER:

1. The present bail application being urgent in nature has been presented before the Court of the undersigned being Duty Judge.
2. The instant bail application for grant of anticipatory bail under section 438(i) of Cr.P.C., has been filed by the applicants/accused, named above, in the above noted case on the plea that they have no concern with the crime in question. No offences are made out against them. They have been falsely implicated due to political vendetta in the

village. No occurrence had taken place at any point of time. No role has been attributed to Paramjit Singh and Jarnail Singh applicants/accused. Nishan Singh applicant/accused had been falsely shown to have given a dang blow on the complainant. Hence, the present bail application with prayer to grant bail to them.

3. Upon notice, Sh. Balwinder Singh, Additional PP for State has appeared on behalf of the State-respondent and contested bail application. Police record was summoned and perused.

4. Learned counsel for applicants/accused has contended as per the lines as mentioned in the bail application. He further contended that custodial interrogation of the applicants/accused is not required and the applicants/accused will not misuse the concession of the bail, if so granted by the Court and shall abide by all the conditions which may be imposed by the Court. It was prayed that application be allowed.

5. On other hand, Learned Additional PP for the State has argued that Serious allegations are levelled against the applicants/accused. It was prayed that application be dismissed.

6. This Court has heard counsel for the applicants/accused, Learned Additional PP for the State and have gone through the record on file.

7. On perusal of the record, it has been revealed that the present case has been registered against the applicants and other accused (non-applicants), on the basis of the statement of one Boota Singh son of Kartar Singh, recorded by the police on 13.08.2020. He has stated that on 12.08.2020, at about 8:00 PM, while he was standing at the outer gate of his house, then Surjit Singh and Pritam Singh who were going from there had an altercation with him and started hurling abuses due to which, he came inside the house. On 13.08.2020, at about 8:00 AM, when the complainant was present in his house along with his family members, then Surjit Singh empty handed, Pritam Singh armed with 'kirpan', Nishan Singh armed with 'dang', Jarnail Singh armed with 'dang', Gurmit Singh armed with 'rod', Raj Singh armed with 'dang', Balvir Singh armed

with 'dang' alongwith 3-4 unidentified persons entered his house and Surjit Singh raised lalkara to catch hold the complainant and he be taught a lesson for electing as a Sarpanch upon which, Pritam Singh non-applicant inflicted 'kirpan' blow on his person which hit on his head towards left side. Nishan Singh applicant gave 'dang' blow which hit in his abdomen. Nirmala i.e. wife of brother of the complainant along with Saroj Rani came forward to rescue the complainant but they too sustained injuries at the hands of the accused persons and on seeing the people gathering at the spot, all the accused fled away from the spot.

8. As far as the applicants are concerned, at that time, applicants were armed with daangs. Only applicant Nishan Singh has been attributed injury on the abdomen of complainant and general allegations of assault have been levelled against other applicants/accused. All the injuries are simple in nature. Applicants/accused are ready to join the investigation and to cooperate the investigating agency.

9. So, taking into consideration all the above facts and circumstances of the case, and without commenting upon the merits of the present case, it is the fit case to grant interim bail to applicants/accused. As the custodial interrogation of the applicants/accused is not required and she is ready to join the investigation and undertook to cooperate the Investigating Officer, accordingly applicants/accused- aforesaid shall be admitted to interim bail to the satisfaction of the Investigating Officer in the event of their arrest, on or before 28.09.2020 with the following conditions:-

- (i) That applicants/accused will continue to join investigation as and when required;
- (ii). The applicants/accused will not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;
- (iii) That applicants/accused will not leave the Country without prior permission of this Court.

- (iv) The applicants/accused shall not commit an offence similar to the offence of which they are accused or suspected of the commission of which they are suspected.

10. Report of the Investigating Officer be called for 28.09.2020. Police record returned. Papers be sent back to the concerned Court/Duty Court for the date fixed.

Pronounced in the Open Court.

Dated.10.09.2020.

Dalip Goyal,
Stenographer Grade II.
Direct Dictation.

(Rajni Chhokra)
Additional Sessions Judge,
Fast Track Court,
Exclusively dealing with Rape Cases,
Ferozepur. UID No.PB-0168 (Duty)