

IN THE COURT OF AMARINDER SINGH GREWAL
 (Unique Identification Code PB 0037)
SESSIONS JUDGE, KAPURTHALA

CNR No. PBKP010042962022



Case No. BA/1762/2022

Presented on : 15-09-2022
Registered on : 16-09-2022
Decided on : 28-09-2022

1. Kashmir Singh @ Sheera, son of Munsha Singh, r/o Jagatjit Nagar, village Hamira, Tehsil and District Kapurthala.
2. Gurwinder Singh son of Satnam Singh, r/o Jagatjit Nagar, village Hamira, Tehsil and District Kapurthala.
3. Balwinder Singh son of Jasbir Singh, r/o Jagatjit Nagar, village Hamira, Tehsil and District Kapurthala (**his bail application already stands dismissed**).

.....Applicants.

Versus

State of Punjab

.....Respondent

Bail Application under Section 438 Cr.P.C

FIR No.103 Dated 10.07.2022
Under Section: 323/452/ 427/379/506/148/149 IPC,
Police Station: Subhanpur, District Kapurthala

Present: Ms. Kulwinder Kaur, Advocate, Counsel for applicant
 Kashmir Singh @ Sheera and Gurwinder Singh.
 Bail application qua applicant Balwinder Singh already
 stands dismissed.
 Mrs. Chetna, Ld. Public Prosecutor for the State

ORDER:

1. Applicants Kashmir Singh @ Sheera son of Munsha Singh, Gurwinder Singh son of Satnam Singh and Balwinder Singh son of Jasbir Singh, have filed the bail application under Section 438 Cr.P.C and notice of the same was given to the State/ complainant.

2. Heard. The record reveals that FIR No.103 dated 10.07.2022, under Section 323/452/ 427/379/506/148/149 of the Indian Penal Code, was registered at Police Station Subhanpur, District Kapurthala, on the basis of statement of complainant Raja Babu son of Kuldeep Mehto. Further, in the above mentioned FIR cross case was made out and DDR No. 37, under section 323,324,326, 148, 149 IPC, was registered on the basis of statement of complainant Dhruv Kalia, who had submitted before the police authorities that on 07.08.2022, around 7.00 P.M, he alongwith Ram Nath meson were doing the plaster work in the village. The house of Ram Nath is situated near to his house. At that time, the wife of Ram Nath namely Khushboo was alone in the house. Then, 6/7 persons entered the house of Ram Nath and then they asked the wife of Ram Nath regarding the whereabouts of Ram Nath. On this, Khushboo told those persons that Ram Nath is not in the house. Then, those persons started abusing Khushboo and also started giving beatings to her. Further, complainant had submitted that on hearing the roula then he alongwith Ram Nath went to the house of Ram Nath and they saw Balwinder Singh Sohi son of Jasbir Singh (applicant), Gurwinder Singh son of Satnam Singh

(applicant), Satish Kumar son of Pappu Mandal, Sheera son of Munsha Singh (applicant), Veeru and Raja Babu son of Kuldeep Mehto, Ganesh Kumar, Vicky Walia standing in the courtyard of Ram Nath. Further, complainant had submitted that then he alongwith Ram Nath asked those persons that whey they have come there. On this Balwinder Singh @ Sohi (applicant), who was armed with Datar inflicted injury upon him (complainant Dharuv Kalia) and the blow feel beneath the left eye and his upper lip. Further, complainant had submitted that due to the above said injuries, his upper lip got torn and even his upper teeth got broken and fell down. Then, Gurwinder Singh son of Satnam Singh (applicant) inflicted his dasti spade blow upon him which fell on his right hand. Then, Raja Babu son of Kuldeep Mehto inflicted his dasti wooden log upon him which fell on his both legs. On receipt of the injuries, he fell down and while he was lying down then Sheera son of Munsha Singh (applicant), Satish son of Pappu Mandal, Ganesh started giving him slaps and started abusing him. On this, he raised rouna "Maar Dita Maar Ditta." On hearing the rouna even his father Vipin Kumar and his mother Vandhana came at the spot. After arranging vehicle, he was got admitted at civil hospital at Kapurthala. Thus, it was submitted that necessary action be taken.

3. Record reveals that this Court vide order dated 16.09.2022 had allowed application of applicants Kashmir Singh @ Sheera and Gurwinder Singh and they were released on interim bail to the satisfaction of Arresting Officer, subject to their complying with the provisions under Section 438 (2) Cr.P.C, whereas the bail application qua applicant

Balwinder Singh was dismissed. It was stated by the Ld. Addl. PP for the State that the present applicants Kashmir Singh @ Sheera and Gurwinder Singh have joined the investigation. So, since applicants Kashmir Singh @ Sheera and Gurwinder Singh have already joined the investigation in view of the interim order passed by this court, as such, this court feels that it is a fit case where applicants should be given the concession of anticipatory bail. Accordingly, the bail application filed by applicants Kashmir Singh @ Sheera and Gurwinder Singh is allowed and the interim order dated 16.09.2022 is hereby made absolute on the same terms and conditions. The file of the bail application be consigned to the record room.

Pronounced.
Dated: 28.09.2022

Raman Kumar
Stenographer G-I

(Amarinder Singh Grewal)
Sessions Judge, Kapurthala.
(UID No. PB0037)