

PBPO010006732022



**In the Court of Sh.Mohammad Gulzar,
Sessions Judge, Pathankot.**

(UID No. PB00063)

BA No.	:	59 / 2022
CIS BA No.	:	177 / 2022
CNR No.	:	PBPO010006732022
Presented on	:	15.03.2022
Registered on	:	15.03.2022
Date of Order	:	22.03.2022
Pending For	:	04.04.2022

Anil Kumar @ Tony, aged about 28 years son of Kishan Chand, resident of village Bazigar Dera, Abadi Chandigarh, Kathlour, Taragarh, Tehsil and District Pathankot.

...Applicant/Accused

versus

State of Punjab

...

...Respondent

FIR No.14 dated 06.02.2022.
Under Sections 452,324,323,34 IPC.
Police Station Taragarh.

...

First Bail application under section 438 Cr.P.C.

...

Present: Sh.Amit Kumar Adv., counsel for the accused / applicant
Sh.Jatinder Pal Singh, Addl. Public Prosecutor for the State.

ORDER:

1. This order of mine shall dispose of application under Section

(Mohammad Gulzar)
Sessions Judge, Pathankot.
(UID No. PB00063)

438 Cr.P.C for grant of anticipatory bail moved by applicant / accused Anil Kumar @ Tony son of Kishan Chand, resident of village Bazigar Dera, Abadi Chandigarh, Kathlour, Taragarh, Tehsil and District Pathankot in case FIR No. 14 dated 06.02.2022, under Sections 452, 324, 323, 34 IPC registered at Police Station Taragarh.

2. The brief facts of the prosecution case are that the present FIR has been registered on the statement of complainant Balbir Singh son of Sardar Singh, resident of village Sehora Kalan, Police Station Taragarh on the allegations that they owned their Golden Palace at village Sehora Kalan Kathlour Road. On 04.02.2022 there was a programme of the Shagun of Panku son of Bodh Raj, resident of Bajigar Dera (Chandigarh) in their palace and due to said programme in the palace he remained present in his office. At about 6:30 PM in the palace DJ was started and he went to stop the DJ from his office, then family of Panku and relatives etc have already gone from there and Anil Kumar alias Tony and Vicky, residents of Bajigar Dera (Abadi Chandigarh) and some other boys were dancing Bhangra on the DJ. Due to late hours he switched off the electricity supply of the DJ and Anil alias Tony, Vicky along with his companions went outside from the palace and after some time, after performing the work of his palace he came to his office. At about 7:00 PM one white coloured Car Swift Dzire bearing No. PB-01-C-4341 stopped outside of his office and from the driver side seat Vicky armed with dang

and adjoining to his seat Anil alias Tony armed with datar came outside and from the back side of the Car two unknown boys armed with baseball and Stick (sota) came outside and on seeing them in the light he came outside from his office. On seeing him Anil alias Tony raised lalkara and told him that he should teach a lesson for stopping the DJ in the palace and then unknown boy hit with baseball upon him which hit on his right arm and in the mean time Anil alias Tony son of Kishan Chand hit with his datar upon him which hit on the left side of his head and in order to save himself from the said persons he went nearby the room of his office where disposal articles were lying. Then the aforesaid four persons came in his room behind him and Anil alias Tony again hit with his datar upon him and in order to save himself he forward his right arm and the datar hit in between nearby the thumb of his right hand. Then Vicky and unidentified boys started pulling to him and he raised alarm 'Maar Ditta' 'Maar Ditta'. On hearing his alarm and on seeing the passerby outside his office on the road and some other persons, the aforesaid assailants along with their respective weapons fled away from the spot in their Car towards Kathlour road. The names of two unidentified boys who had come with Anil alias Tony are Love and Kali son of Tarsem Lal, residents of Bajigar Dere (Abadi Chandigarh) and he can identify them on coming before him. Sudesh Saini son of Durga Dass and Jaswinder Singh son of Thuru Ram, residents of Sehora Kalan witnessed the entire occurrence with their eyes. Due to injury on his head and right hand blood was

oozing and thereafter arranging the conveyance by Pushpinder Kumar son of Baldev Singh, resident of Sehora Kalan (son of his Taya), he was taken to Civil Hospital Pathankot for treatment where doctor stitched the injury of his head and his MLR was got conducted. Till date respectable persons have tried to compromise the matter, but all in vain.

3. Notice of bail application was given to the State. Police record was requisitioned and received.

4. I have heard Ld. Counsel for the applicant / accused and Ld. Additional Public Prosecutor for the State and have also perused the police file.

5. Ld. Counsel for the accused/applicant has submitted that there is unexplained delay of two days in lodging the FIR. All the offences except under section 452 IPC are bailable in nature. However, from the facts of the FIR, offence under section 452 IPC did not attract at all. Moreover, the injury attributed to the applicant is simple in nature and falls under the ambit of under section 324 IPC. The applicant is ready to join the investigation. He prayed for concession of anticipatory bail.

6. On the other hand, Ld. Additional Public Prosecutor for the State strongly opposed the bail application and prayed for dismissal of the same.

7. After considering the rival contentions of Ld. counsel for the applicant-accused as well as the Ld. Additional Public Prosecutor for the State; it reveals that the offences except the offence under Section 452 IPC are bailable. Hence, I deem it a fit case for grant of ad-interim bail to the petitioner. Consequently, the applicant is directed to join investigation within seven days before Investigating Officer/SHO of Police Station Taragarh and in the event of his arrest, he shall be released on interim bail by the Arresting Officer to his satisfaction. The applicant shall abide by all the terms and conditions as envisaged under Section 438 (2) Cr.P.C. Record be again produced on 04.04.2022 for assessing the outcome of the investigation and consideration. Copy of this order be sent to the concerned SHO for compliance.

(Mohammad Gulzar)
Session Judge
Pathankot

Date of Order: 22.03.2022

(UID No. PB-0063)

(Ajay Kumar)
Stenographer-I

“I attest to the accuracy and authenticity of this document.”