

PBRO010006612024



Presented on : 05-02-2024
Registered on : 05-02-2024
Decided on : 08-02-2024
Duration : 0 years, 0 months, 3 days

**IN THE COURT OF RAMESH KUMARI, (UID No.PB0039)
SESSIONS JUDGE, RUPNAGAR.**

Bail Application No.178 of 5.2.2024
Date of Order : 08.2.2024

State of Punjab

Versus

Gurmukh Singh aged about 30 years son of Balvir Singh, R/o Badali
Road, Kachi Mandi, Kurali, District Mohali.

....Applicant-accused.

Third bail application under Section 439 Cr.P.C.

FIR No.21 dated 13.5.2023
Under Sections : 307, 324, 323, 506 IPC.
Police Station : Sadar Morinda.

O-O-O

Present: Shri Rajbir Singh Rai, Advocate, learned Chief Legal Aid
Counsel applicant/accused.
Shri Gurpreet Singh, learned Additional Public Prosecutor for
the State.

ORDER

1. The above named applicant/accused has filed this second
application under Section 439 Cr.P.C. for the grant of regular bail in case
FIR No.21 dated 13.5.2023, under Section 307, 324, 323, 506 IPC, Police

Station, Sadar Morinda. It is submitted that first regular bail application was dismissed as withdrawn vide order dated 11.10.2023.

2. Notice of the bail application was issued to the State and main case file has been requisitioned.

FACTS OF FIR.

3. The facts of the case as alleged in the FIR are that on 13.5.2023 complainant Gurpreet Kaur wife of Gurdeep Singh resident of village Makrona Khurd, Police Station Sadar Morinda got recorded her statement to ASI Shinderpal that that she is a housewife. Her marriage was solemnized six months ago with Gurdeep Singh, resident of village Makdona Khurd, Police Station Sadar Morinda, Rupnagar. Her parental house is at village Badala Road Kachi Mandi, Kurali. Her parents have already expired. She has two brothers namely i.e. Gurmukh Singh is elder brother and Kulwinder Singh is younger brother. About two months ago, her brother Gurmukh Singh started threatening her to give him the property documents, lying with her, but she told him that her elder sister namely Paramjit Kaur has already taken away the said documents from her. However, her brother Gurmukh Singh was not convinced. On 13.05.2023 at about 08.00 AM, her brother Gurmukh Singh, who is a Nihang Singh accompanied with another Nihang Singh came to her house and asked her about the property documents, to which she disclosed that the said documents have already been taken by Paramjit Kaur. On this, Gurmukh Singh at once came in a fit of rage and in order to

kill her, took out his “Kirpan” and gave blow upon her, which hit on her left arm wrist. He also gave life threats to her. Gurmukh Singh again gave “Kirpan” blow, which hit on her left shoulder. The whole incident took place in the presence of her husband. After the incident, Gurmukh Singh fled away from the spot. The people of the village gathered there and they tried to stop him and then he also inflicted injuries to Harjeet Singh, son of Charan Singh, Sarpanch of village Makdona Khurd. Her husband Gurdeep Singh arranged a private vehicle and got her admitted in the Civil Hospital, Morinda, and from where she was referred to Civil Hospital, Rupnagar. Her brother Gurmukh Singh was also got admitted in the Civil Hospital, Morinda.

POLICE INVESTIGATION.

4. During the course of investigation site plan of place of occurrence was prepared. Accused/applicant Gurmukh Singh was arrested on 15.5.2023. During interrogation statement of applicant/accused under Section 27 Evidence Act was recorded. As per disclosure statement applicant/accused got recovered weapon of offence Kirpan which was taken into police possession vide separate recovery memo. Site plan of place of recovery of Kirpan was prepared. Medical treatment record of injured/complainant Gurpreet Kaur was collected. Statements of witnesses under Section 161 Cr.P.C. were recorded. After completion of investigation challan against accused was presented in the court.

ARGUMENTS OF LEARNED COUNSEL FOR APPLICANT/ACCUSED:

5. The learned counsel for the applicant/accused has contended that the applicant/accused has earlier also filed regular bail application which was dismissed as withdrawn on 11.10.2023 and this is the second regular bail application filed by the applicant/accused. The applicant/accused is innocent. He has committed no offence. He has been falsely implicated in this case. The medical evidence produced by the prosecution does not support the version of complainant. The medical evidence produced by the prosecution does not show any greivous or dangerous injury to the life of complainant/injured. The material witnesses have already been examined by the prosecution so there is no chance of tampering with the proecution evidence by the applicant/accused. The applicant/accused is in cujstody since 15.5.2023. No useful purpose would be served by keeping the applicant/accused in custody. The applicant/accused will abide by all the terms and conditions imposed by the court and vehemently prayed for release of the accused/applicant on regular bail by way of acceptance of his bail application.

ARGUMENTS OF LEARNED ADDITIONAL PUBLIC PROSECUTOR:

6. On the other hand the learned Additional Public Prosecutor contended that the allegations against the accused/applicant are serious in

nature. There is likelihood of absconding the applicant/accused, if he is enlarged on bail and prayed for dismissal of the bail application.

DISCUSSION:

7. As per prosecution version, the allegations against the applicant/accused are that on 13.5.2023 at about 8.00 AM in the area of village Makrauna Khurd, applicant/accused caused injuries to Gurpreet Kaur with Kirpan and criminally intimidated by threatening her. The police after completing the investigation, presented the challan against the applicant/accused in the Court. The statement of complainant Gurpreet Kaur as well as two eye witnesses have already been recorded as PWs 4, 5 and 6 respectively. The prosecution has examined total 08 witnesses and only one witness i.e. MHC of the police station remains to be examined and thus, there is no likelihood of influencing the said witness by the applicant/accused. The accused/applicant is in custody since 15.5.2023. The two injuries reported in the MLR of complainant/injured Gurpreet Kaur have been declared simple in nature by the concerned doctor. In view of this, without commenting upon merits of the case, it is a fit case to grant benefit of regular bail to the applicant/accused.

CONCLUSION:

8. In view of above discussion, the present bail application is allowed. The applicant/ accused is ordered to be released on bail on his furnishing bail bonds in the sum of Rs.50,000/- (rupees fifty thousand) with one

surety in the like amount to the satisfaction of this court, subject to the following conditions:-

- (i) *that he shall attend the court on each and every date of hearing;*
- ii) *that he will not leave India without prior permission of the court;*
- iii) *that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence.*

A copy of this order be placed on the record of main challan case file. Bail application file be consigned to record room.

Dated : 08.02.2024.

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

Surinder Singh Walia

Dictated on : 08.02.2024.
Transcribed on : 08.02.2024.
Checked on : 08.02.2024.
Signed on : 08.02.2024.

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