

PBTT010003012025



**IN THE COURT OF NEETIKA VERMA (UID No. PB0209)
ADDITIONAL SESSIONS JUDGE, TARN TARAN**

**Bail Application no. 174 of 2025
Date of Order : 24.01.2024**

- 1. Charanjit Kaur aged about 65 years w/o Shankar Singh,
- 2. Amandeep Kaur aged about 26 years d/o Shankar Singh both r/o village Dhunda, P.S Goindwal Sahib Tehsil Khadur Sahib District Tarn Taran.

.....Accused/petitioners

Versus

State.

(First Bail application under Section 482 of B.N.S.S)

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FIR no. 342 dated 29.09.2024
U/Ss 118(2)/115(2)/3(5) of BNS
P.S Goindwal Sahib, Distt. TarnTaran.

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Present : Sh. G.S Sandhu, Advocate, counsel for the accused-applicants.
Sh. Ravinder Singh, Additional Public Prosecutor for the State.
Sh. Pankaj Joshi, Adv counsel for complainant.
SI Balwinder Singh NO. 685/T.T alongwith police record.

O R D E R

The above named accused have filed this application for grant of pre-arrest bail under Section 482 of Bharatiya Nagarik Suraksha Sanhita(hereinafter referred to as BNSS), FIR no. 342 dated 29.09.2024, U/Ss 118(2)/115(2)/3(5) of BNS, P.S Goindwal Sahib, Distt. TarnTaran.

2. Notice of the bail application was issued to the State and police record was requisitioned.

***COMPLIANCE OF DIRECTIVE CONTAINED IN ORDER DATED
28.07.2021 PASSED BY HON'BLE PUNJAB AND HARYANA HIGH
COURT IN CRM-M-1695-2021***

3. Carried out. Report of investigating officer attested by the Additional Public Prosecutor about pendency of or of any former adjudication of bail application before or by any Court under the provisions of BNSS and the result thereof received. Ahlmad had also reported the same. The bail application under Section 482 of BNSS in cross version case of accused Akwinder Kaur was allowed on 29.10.2024. The bail application under Section 482 of BNSS in cross version case of accused Dilbagh Singh was dismissed on 11.11.2024. The bail application under Section 482 of BNSS in cross version case of Ranjodh Singh and Mehakdeep Kaur (juveniles) was allowed on 24.10.2024.

ABSTRACT OF FIR:

4 One Dilbagh Singh s/o Arjan Singh got registered an FIR No. 342 dated 29.9.2024 against Amandeep Kaur, Charanjit Kaur, Kashmir Singh and Shankar Singh. He contended that he works as an agriculturist. On 18.08.2024 at about 9:30 AM, he had engaged the workers for raising the wall of his side. The house of Shankar Singh accused, is adjacent to the house of the complainant Dilbagh. The work was started and Amandeep Kaur d/o Shankar Singh raised a lalkara that Dilbagh Singh be caught hold of and taught a lesson for raising the wall. Charanjit Kaur w/o Shankar Singh was also standing nearby and she had a dang in her hand and gave its blow upon the complainant Dilbagh Singh which fell on the right hand. Kashmir Singh gave blow upon the complainant with the butt

of gandasi hitting the complainant on his left arm. The complainant raised an alarm which attracted Arjan Singh s/o Laxman Singh who tried to pacify the accused Shankar Singh but he hit the father of the complainant on his left hand and fingers. Arjan Singh started bleeding and he raised an alarm which attracted the passerby and the accused ran away from the spot alongwith their respective weapons. Arjan Singh was taken to civil Hospital Khadur Sahib for treatment.

Thereafter, one DDR no. 17 dated 10.10.2024 was registered against the accused/applicant and others on the basis of the statement suffered by Surjan Singh s/o Laxman Singh. He contended that he has a common wall with Dilbagh Singh s/o Arjan Singh and Dilbagh Singh was encroaching his part of the common wall and when he objected to it, Dilbagh Singh alongwith his family members inflicted injuries upon the family members of the complainant. Mehakdeep Kaur d/o Dilbagh Singh raised a lalkara and Ranjodh Singh threw bricks towards Charanjit Kaur hitting her on her arm. Thereafter, Akwinder Kaur threw stones hitting Charanjit Kaur on her head. Dilbagh Singh s/o Arjan Singh gave dattar blow upon Shankar Singh hitting him on his left arm near the wrist. The grand daughter of the complainant namely Amandeep Kaur immediately called Tarsem Singh s/o Bakshish Singh on telephone. On the basis of the statement, the DDR was registered against the accused.

ARGUMENTS RAISED BY LEARNED COUNSEL FOR APPLICANT/ACCUSED:

5 Contention of learned counsel for the accused-applicants is that the accused-applicants are innocent and have been falsely implicated in this case. There is no iota of evidence to connect the accused-applicants with the alleged crime. No offence is made out against accused-

applicants. The applicants/accused have further contended that they would not tamper with the prosecution evidence and will not abscond from the trial Court and would appear on each and every date of hearing and shall not misuse the concession of bail and will abide by all the terms and conditions as laid down under Section 482 of B.N.S.S or as imposed by the Court and finally, it has been prayed that the applicants/accused may be granted anticipatory bail.

ARGUMENTS OF LEARNED ADDL. PUBLIC PROSECUTOR

6 The main contention of learned Additional Public Prosecutor for the State is that the accused-applicants along with co-accused (non applicants) and the custodial interrogation of the accused-applicants is required. It has been further submitted that considering the nature of the allegations, the accused/applicants is not entitled to bail.

GUIDING PARAMETERS

As outlined in *Gurbaksh Singh Sibbia v. State of Punjab, (SC) : Law Finder Doc Id # 104574 reported in 1980 AIR(SC) 1632 Bhadresh Bipinbhai Sheth v. State of Gujarat and Another : Law Finder Doc Id # 705395 reported in 2015 AIR(SC) 3090 Sushila Aggarwal and others - Petitioners Versus State (NCT of Delhi) and another – Respondents : Law Finder Doc Id # 1674499 reported in 2020 AIR (SC) 831*

(a) The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made; (b) The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a court in respect of any cognizable offence; (c) The possibility of the applicant to flee from justice; (d) The possibility of the accused's likelihood to repeat similar or other offences; (e) Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her; (f) Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people; (g) The courts must evaluate the entire available material against the accused very carefully. The court must also clearly comprehend the exact role of the accused in the case. The cases in which the accused is implicated with the help of Sections 34 and 149 of the Penal Code, 1860 the court should consider with even greater care and caution, because over implication in the cases is a matter of common knowledge and concern; (h) While considering the prayer for grant of anticipatory bail, a balance has to be struck

between two factors, namely, no prejudice should be caused to free, fair and full investigation, and there should be prevention of harassment, humiliation and unjustified detention of the accused; (i) The Court should consider reasonable apprehension of tampering of the witness or apprehension of threat to the complainant; (j) Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the course of events, the accused is entitled to an order of bail.

DISCUSSION:

7 Perusal of the police file transpires that the allegations put forth against the accused/applicant Charanjit Kaur are that she gave a blow to Dilbagh Singh on his right hand but there is no medical record of injured Dilbagh Singh in the police file so as to ascertain the nature of the injuries observed upon the injured Dilbagh, the opinion of the doctor as to the kind of weapon used.

Perusal of police file further transpires that no specific injury has been attributed to the accused/applicant Amandeep Kaur and the exact role played by her in the commission of the alleged offence is not spelt out. In such circumstances, the accused/applicants Charanjit Kaur and Amandeep Kaur are not required for any custodial interrogation.

CONCLUSION:

8 In view of above discussion and observations, the application under adjudication is allowed. As such the applicants/accused namely Charanjit Kaur and Amandeep Kaur are directed to join the investigation and the investigating/arresting officer shall admit them on interim bail to its own satisfaction till the next date of the hearing subject to conditions:-

1 the accused-applicants shall make themselves available for interrogation by the investigating officer/competent police officer as and when required;

2. the applicants/accused shall 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 to any police officer;

3 the accused-applicants shall not leave India without the previous permission of the Court, including the trial Court.

4 the accused- applicants shall attend the proceedings in accordance with the conditions of the bonds so executed under Chapter XXXV of BNSS.

5 the accused- applicant shall not commit an offence similar to the offence of which they are accused, or suspected, of the commission of which they are suspected;

6 the accused-applicants shall not tamper with the evidence by any means;

7 the accused-applicants shall appear before the trial court on each date of hearing unless their personal appearance are exempted.

In case of violation of any of the conditions so imposed upon the accused-applicants, the investigating officer will be at liberty to file an appropriate application seeking cancellation of the bail granted to the applicant through the present order. Further, in case of breach of any of the conditions so imposed through the present order by the accused-applicants, the trial court will be at liberty to cancel the bail order of the accused. Now to come up on 31.01.2025 for awaiting the report of investigating officer regarding the fact, whether applicant/accused have joined the investigation or not.

Intimation be sent to SHO of concerned police station. Lower Court Record record be returned forthwith.

**Pronounced in open court
Dated: 24.01.2025**

**Neetika Verma,
Additional Sessions Judge
Tarn Taran/UID-PB0209**

Typed by Aman (Steno)