

**IN THE COURT OF VIKRANT KUMAR,
ADDITIONAL SESSIONS JUDGE, MOGA.
(UID No. PB00213)**

CIS No.BA/1729/2021
CNR No. PBMO010043632021
Decided on: 25.08.2021

Nirmal Singh alias Nimma son of Swaran Singh resident of Village
Daulewala, District Moga.

.....Applicant-accused.

Versus

State of Punjab

FIR no.108 dated 12.07.2021
Under Sections 323,324,341,148,149,427
of IPC and offence u/s 326 IPC added
lateron.
P.S. Kot Ise Khan.

**Application under Section 438 Cr.PC for
grant of anticipatory bail.**

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Present: Shri. Nasib Singh Sidhu, Advocate counsel for applicant-  
accused.  
Shri Anshuman Syal, Additional Public Prosecutor for  
State

**ORDER**

This order of mine shall dispose of bail application under  
Section 438 Cr.PC filed by the applicant/accused named above in case  
FIR no. 108 dated 12.07.2021 Under Sections 323,324,341,148,149,  
427, 326 IPC, P.S. Kot Ise Khan.

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

3. Learned counsel for the applicant submits that no injury has been attributed to the present applicant. As per allegations of FIR, there are three injuries on the person of complainant which were allegedly attributed to non applicants Jhirmal Singh, Buta Singh and Minna. He further submits that there is delay of 27 hours in lodging the complaint with the police and that the injury which was declared grievous in nature is on little finger and not on vital part of the body and that the said injury has been attributed to non applicant Minna. He further submits that the applicant is ready to join the investigation and cooperate the investigation.

4. Learned APP for the State assisted by Investigating Officer submits that name of applicant-accused was mentioned in the FIR and that after forming an unlawful assembly they had attacked upon the complainant and caused grievous and simple injuries on the person of complainant. He further submits that for recovery of weapons, the custodial interrogation of applicant-accused is required.

5. In the present case, FIR was got registered at the instance of Puran Singh complainant and it is in accusation against accused-

applicant that on 11.7.2021 he alongwith his son Surinder Singh, his aunt's grandson Rachpal Singh were coming back from DMC and Hospital, Ludhiana to his village Daulewala on i20 car bearing registration No. PB-05AK-2213 of his nephew Heera Singh. When they reached near patrol pump after crossing Kot Ise Khan, then at about 4:55 PM in front of liquor vend shop, one innova car came in front of their car and from the said innova car, Jhirmal Singh armed with kapa, Buta Singh armed with Gandasi, Minna armed with toki prepared from part of motor cycle, applicant-accused Nirmal Singh armed with 12 bore DBBL gun, Arshal Singh armed with revolver, Billa and Karan armed with dangs and Inderjeet Singh armed with kapa came down and started damaging complainant's car. Buta Singh and Jhirmal Singh got down the complainant from car and Minna accused gave blow of patti made from motor cycle on the person of complainant which hit his little finger. Jhirmal Singh gave kapa blow on the person complainant, which hit on right arm just above wrist and then accused Buta gave gandasi blow from its reverse side which hit on right shoulder of complainant and then Nirmal Singh (applicant-accused ) and Arsal Singh raised lalkaras.

6. I have considered the rival contentions of both sides and

have gone through the police file.

7. As per prosecution version, present applicant-accused was member of unlawful assembly when they attacked upon the complainant with deadly weapon. Admittedly as per contents of FIR, no injury has been attributed to present applicant-accused. The injury allegedly declared grievous under section 326 of IPC has been attributed to co-accused Minna. Keeping in view the facts and circumstances emerges from the FIR, applicant-accused Nirmal Singh alias Nimma is ordered to be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the following conditions:-

1. That he shall join investigation as and when called upon by the investigating officer;
2. That he 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 him from disclosing such facts to the Court or to any police officer or tamper with the evidence; and
3. That he shall not leave the country without prior permission of court;

Now to come up on 02.09.2021 for awaiting compliance of order. IO is directed to come present on said date alongwith record.

Pronounced:  
25.08.2021  
Gagandeep, Stenographer-II

(Vikrant Kumar)  
Additional Sessions Judge,  
Moga.  
(UID No.PB00213)