

**In the court of Sardar Harjeet Singh, Additional Sessions Judge,
Moga. (UID No.PB0131)**

BA No.334 dated 09.08.2023
CIS No.BA/1722/2023
CNR No.PBMO010045792023
Decided on :- 22.08.2023

State of Punjab

Versus

Karan alias Karanvir Singh son of Makhan Singh resident of House No.114,
Ward No.28, Saida Wala Mohalla, Moga, District Moga.

....Accused/Applicant

FIR No.63 dated 30.03.2023
U/ss 323, 324, 325, 341, 506, 148, 149 IPC and
Section 25/54/59 of Arms Act,
(later on added Section 307 IPC)
P.S. City South, Moga.

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Bail Application under Section 439 Cr.PC.

Present: Sh. Nitin Jaiswal Advocate for applicant/accused
Sh. Amrit Mittal Addl.PP for the State

ORDER

Vide this order, I intend to dispose of bail application under
Section 439 Cr.P.C filed by applicant-accused in the FIR mentioned above.

Police record received and perused.

Learned counsel for accused/applicant has argued that accused/
applicant has been falsely implicated in the case in hand. No offence under
Section 307 IPC is made out against the accused/applicant. There is
unexplained delay in lodging the FIR. Applicant/accused was arrested in this
case on 02.07.2023 and since then he is in judicial custody. The presentation
of challan and completion of trial will take long time and prayed that

applicant-accused be released on bail.

On the other hand, learned Addl.PP for State argued that serious allegations have been levelled against the accused/applicant. It is not a fit case, where concession of bail can be given to accused/applicant. Lastly, he prayed that bail application be dismissed.

I have considered the submissions of learned Counsel for the applicant/accused and learned Addl. PP for the State.

Perusal of record shows that present FIR was registered on the statement of complainant Love, who claimed that he is working as Sweeper in Municipal Corporation, Moga from the last three years. There are two shifts of 12 hours. He is working in the night shift. On 28.03.2023, at about 10.30 PM, he alongwith his friend Rohit after taking their meals were coming to Municipal Corporation, Moga and when they reached on the curve of fodder market, Sahil son of Rajesh Kumar asked them to stop their scooty and his friend Rohit stopped the scooty, where Sahil alongwith four other persons who were armed with khandas were standing there. Sahil took out the country made pistol and pointed out towards his head but pistol did not work. Thereafter, Karan gave khanda blow which struck on his forehead and one unknown person also gave khanda blow which struck on his bicep of his left arm. Sahil gave khanda blow and in order to rescue the said blow he raised his arm, then khanda blow struck on elbow of his left arm and Sahil also gave second blow which struck on his wrist of his left hand. Second person gave khanda blow which struck on his left leg and third person gave khanda blow which hit on his back and thereafter he fell down. Fourth person gave khanda blow which struck on his right eye and Karan also gave khanda blow which

struck on his right knee. He raised hue and cry and thereafter, all the accused fled away from the spot alongwith their respective weapons.

ASI Basant Singh suffered his separate statement that he is investigating officer of the present case. The injury attributed to the present accused/applicant is simple in nature.

No injury under Section 307 IPC is attributed to the accused/applicant. The applicant-accused is in custody 02.07.2023. The completion of trial will take a lot of time. No useful purpose would be served by detaining the applicant-accused behind bars for an indefinite period. The culpability of applicant-accused shall be gauged during the course of trial. So, in these circumstances and without much commenting upon merits of the case, bail application is allowed and applicant-accused is ordered to be released on bail on furnishing his personal bonds in the sum of ₹ 1,00,000/- with one surety in the like amount to the satisfaction of learned Illaqa Magistrate/Duty Magistrate subject to the following conditions:-

- (i) that applicant shall not leave the country without prior permission of the Court;
- (ii) that he shall appear in each and every date of hearing;
- (iii) that he shall not tamper with the prosecution evidence or shall not threat any prosecution witness.

File be consigned to the Record Room.

Pronounced.
22.08.2023.
(Sunny Stenographer II)

(Harjeet Singh)
Additional Sessions Judge,
Moga. (UID No.PB0131)

Present: Sh. Nitin Jaiswal Advocate for applicant/accused
Sh. Amrit Mittal Addl.PP for the State

Record received. Arguments heard. Vide my separate order of even date, the present bail application stands allowed. Police record be returned. File be consigned to the Record Room.

Pronounced.
22.08.2023.
(Sunny Stenographer II)

(Harjeet Singh)
Additional Sessions Judge,
Moga. (**UID No.PB0131**)