

**In the court of Sh. Vishesh,
Additional Sessions Judge, Fazilka.
(UID No. PB-0228)**

	B.A No.1740/2021. CNR No. PBFZC0-0055332021. Date of Order:-09.09.2021.
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Shanker Lal (wrongly written as Sankar Lal in the FIR) aged 37 years son of Foola Ram resident of Village Shergarh Tehsil Abohar District Fazilka.

.....Applicant-accused.

Versus.

State of Punjab.

.....Respondent.

FIR No.111 dated 30.07.2021.

U/s 307, 323, 148, 149 of IPC and Sec. 25, 27, 54, 59 Arms Act.

Police Station Khuian Sarwar.

[Bail application U/s 439 of Cr.P.C.]

Present: Sh. Anil Setia, Advocate counsel for applicant.
Sh. Amit Goklaney, Addl. PP for the State.

ORDER:

Present order of mine shall dispose off bail application filed by applicant- Shanker Lal.

2. Brief facts of the bail application are that applicant is law abiding and peace loving citizen of India. It has been stated that applicant has been falsely implicated in the present case. It has been further stated that no such occurrence took place and the applicant has not committed any offence as alleged in the FIR. It has been further stated that the allegations levelled by the complainant are totally false and surrounded by suspicious circumstances. It has been further stated that no offence is made out against the applicant. Hence, it is prayed that applicant be admitted to bail.

3. Upon notice, learned Addl.PP for State appeared and contested

the bail application. He has argued that anticipatory bail applications of co-accused Chhinda Singh and Chander Bhan have already been dismissed by this Court. Hence prayed that present bail application may kindly be dismissed.

4. I have heard learned counsel for applicant, learned Addl.PP for State and have gone through the records of the case file carefully.

5. In brief, the facts of the present case are that the present FIR was registered at the instance of Ram Kumar on the allegations that on 30.07.2021 at about 12:30 PM, his father Hans Raj and mother Reshma Devi were sitting underneath the trolley near the fields after completing the agricultural work to take some rest, that suddenly applicant Shanker Lal armed with gandasi, Phula Ram armed with soti, Ram Kumar armed with gandasi, Bhuri Devi armed with gandasi, Krishan Kumar armed with dang, Amar armed with gandasi, Chanderbhan armed with pistol, Chhinda armed with pistol and 8-9 unidentified persons armed with wooden sticks came present on tractor trolley make Messy Ferguson and a jeep and started verbally abusing. Thereafter, Chanderbhan fired a pistol shot towards Hans Raj with intention to kill him, but his father managed to escape, as he accidentally fell in the khal. Thereafter, Shanker Lal and an unidentified person started giving injuries on the person of Hans Raj. Shanker Lal gave blow of gandasi on the head of Hans Raj. The remaining unidentified persons gave injuries on the right arm, right bicep, back and right thigh of Hans Raj. Shanker Lal again gave three blows of gandasi on the person of complainant, which hit on his left elbow, left thigh and left arm. Thereafter, Ram Kumar gave blow of dang which hit Reshma on her head, due to which, she fell on the ground and Bhuri Devi gave injuries on the back of Reshma. Krishan Kumar was in the tractor trolley and was hurling abuses.

Thereafter, complainant raised clamour and the neighbourers started gathering at the spot, hearing which all the accused managed to flee from the spot alongwith weapons of offence. Counsel for the applicant has argued that anticipatory bail applications of co-accused Krishan Kumar, Foola Ram @ Manphool Ram and Bhuri Devi have already been allowed by this court. The allegations against the applicant are that applicant was armed with gandasi and he caused three injuries on the person of Raj Kumar, out of which one injury has been declared grievous on the right arm. Perusal of the police record shows that applicant is in custody since the day of his arrest i.e., 31.07.2021. No further recovery is required to be effected from his side. Presentation of challan and conclusion of trial is likely to take long time. No useful purpose would be served by detaining the accused further in custody, as the same will be burden on the state exchequer. Consequently, the applicant-accused is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Ilaka Magistrate/Duty Magistrate/ trial Court, subject to the following conditions;-

(a) that he will not tamper with the prosecution evidence and will not offer any threat, promise or inducement, directly or indirectly to any of the person acquainted with the facts of the case, dissuading them from disclosing the same to the court/investigating agency;

(b) that he will not leave the limits of this country without prior permission of the court.

File be consigned to record room.

Pronounced in open court.
Dt.09.09.2021.

'Vinay '

(Vishesh)
Addl. Sessions Judge,
Fazilka.UID No: PB0228