

In the Court of Sachin Sharma, Addl. Sessions Judge, Kapurthala

CNR No.PBKP01-004657-2018

BA No.1738 of 11.09.2018

Dated of Order: 20.09.2018

1. Harinder Singh @ Tona, s/o Surinder Singh, r/o Opp. Gurudwara Buli Sahib, Goindwal Sahib, District Tarn Taran;
2. Daljit Singh @ Daljit Singh Basra, s/o Jagat Singh, r/o Village Kot Gobindpur, Dhapai, Tehsil & District Kapurthala.

.... Applicants/Accused.

Versus.

State of Punjab.

.... Respondent/ State

FIR No.101 of 22.08.2018,

U/s 323, 324, 341, 34 of IPC & 326 of IPC (added later on),

P.S.Sadar, Kapurthala.

(Application for bail under Section 438 of Cr.P.C)

Present: Sh.T.S.Sharma, Adv., counsel for the applicant/accused.

Sh.Arvind Sahai, Addl. Public Prosecutor for the State.

Sh.T.S.Dhillon, Adv., counsel for the complainant.

O R D E R

The present bail application has been moved by above named applicants/accused under *Section 438 of Cr.P.C.*, pertaining to criminal case registered vide FIR No.101 of 22.08.2018, as stated above.

2. The present FIR has been registered on the statement of one Harpreet Singh against the present applicants/accused, with the allegations that on the day of occurrence, the present applicant/accused no.1 Harinder Singh @ Tona gave injuries to the complainant with *Datar* on his right elbow & below right eye and the applicant/accused no.2 Daljit Singh @ Daljit Singh Basra gave injury to the complainant with *Datar* on his right eyebrow. Now apprehending their arrest in this case, applicants/accused have moved this bail application *U/s 438 of Cr.P.C.*

3. Upon notice, learned Public Prosecutor for the State appeared, assisted by the learned counsel for the complainant. Police Record of the case has also been summoned.

4. I have heard learned counsel for the applicants/ accused, Addl. PP for the State, assisted by the learned counsel for the complainant, and have gone through the record pertaining to this bail application, including police record, with their able assistance.

5. It is vehemently contended by the learned counsel for the applicants/accused that they have been falsely implicated in the present case and have not committed any alleged offence. He further stated that the present case is politically motivated. With these arguments, he prayed that the applicants/accused may be released on anticipatory bail.

6. On the other hand, learned Addl.PP for the State, assisted by the learned counsel for the complainant, has vehemently and strongly opposed the bail application and argued that there are serious allegations against the applicants/accused in the present case and as such, applicants/accused are not entitled to the concession of anticipatory bail.

With these arguments, he prayed for dismissal of the bail application.

7. Perusal of the FIR as well as lower court record shows that the applicant/accused no.1 was armed with *datar* and gave two injuries on the right elbow & below right eye of the complainant and applicant/accused no.2 was also armed with *datar* and gave one injury on the right eyebrow of the complainant.

8. Be that as it may, although the injury no.1 attributed to the applicant/accused no.1 is on the right elbow of the complainant, however, later on, the same was declared as grievous in nature, though at the non vital part of the body and remaining injuries were declared simple in nature.

9. While taking into consideration the aforesaid facts & circumstances, when there are serious and specific allegations against the applicants/accused in the present case, as three injuries attributed to both the applicants/accused with deadly weapons and injury no.1 attributed to the applicant/accused no.1, was declared as grievous in nature, as such, the applicants/accused are not entitled to the concession of anticipatory bail, as there are serious allegations against the applicants/accused. Therefore, the present bail application moved U/s 438 Cr.P.C. by the applicants/accused stands dismissed and disposed. Anything said in this order shall not affect the merits of the main trial in any manner. Police record be returned and this file be consigned to the record room.

Pronounced in open Court.
Dated: 20.09.2018
Kaushal

(Sachin Sharma)
Addl.Sessions Judge,
Kapurthala
UI Code – PB0519