

PBGD010041532025



Presented on : 29-04-2025

Registered on : 29-04-2025

Date of order : 01.05.2025

Pending for : 08.05.2025

**IN THE COURT OF
ADDITIONAL SESSIONS JUDGE,
AT ,Gurdaspur
(Presided Over by Sh. Raman Goklaney)**

BA/1747/2025

Rachpal Kaur wife of late Joginder Singh alias Balwinder Singh, resident
of Sri Hargobindpur, Tehsil Batala, District Gurdaspur.

..... Applicant/accused

versus

State of Punjab

.....Respondent.

**First Application for bail U/s 482 Bharatiya Nagarik Suraksha
Sanhita, 2023 for grant of anticipatory bail.**

FIR No. 98 dated 02.04.2025.

Under Sections : 115(2), 333, 191(3), 351(2), 190, 238 of BNS.

Police Station : Civil Lines, Batala, Police District, Batala, District
Gurdaspur.

Present : Sh. Palwinder Singh Wahla, Advocate, for accused-applicant.
Sh. Amit Aulakh, Addl. Public Prosecutor for State

ORDER :-

1. At the very outset learned counsel for the applicant submitted
that on account of inadvertence Section 133 of BNS has been mentioned
instead of Section 333 of BNS and learned counsel intended to move an
amended title. Also ASI Sukhwinder Singh, who appeared along iwth

police record submitted that Section 238 of BNS has been added in the FIR in question after the arrest of co-accused Karanbir. Accordingly, learned counsel for the accused-applicant filed amended title of the bail application and the same is taken on record.

2. Apprehending arrest, accused-applicant has filed anticipatory bail application in case FIR No.98 dated 02.04.2025, under Sections 115(2), 333, 191(3), 351(2), 190, 238 of BNS, registered at Police Station Civil Lines, Batala, Police District Batala, District Gurdaspur.

3. The facts, in brief, necessary for disposal/consideration of the present bail application are that FIR in question registered on the statement of Ranjit Singh son of Sarwan Singh, who stated that he is having grocery shop and his wife Randeep Kaur daughter of Balwinder Singh has been living in her paternal house for last one month. On 28.03.2025 at about 6:10 P.M., he, his mother Gurpreet Kaur, his brother Gurjit Singh were present in the house, then at that point of time, his brother-in-law Karanbir Singh son of Balwinder Singh armed with Iron Rod, another brother-in-law namely Goldi son of Balwinder Singh armed with Datar, Prabh who is paternal cousin of Goldi armed with Sota, Baba (friend of Goldi) armed with Sota, his mother-in-law Rachpal Kaur wife of Balwinder Singh (empty handed) all residents of Shri Hargobindpur entered into their house. It is alleged that his mother-in-law Rachpal Kaur raised lalkara and exhorted to teach him a lesson for expelling their daughter from the house. The other assailants namely Karanbir Singh with Iron rod, Goldi with

Datar caused injuries upon complainant on his head, whereas, Prabh and Baba caused injuries with Sota/Stick.

4. Sh. Palwinder Singh Wahla, Advocate, learned counsel for the accused-applicant submitted that there is delay in registration of the FIR in question as the alleged occurrence is of dated 28.03.2025, whereas, FIR has been registered on 02.04.2025. continuous with his arguments, learned counsel submitted that concoction as such cannot be ruled out in the present case. It is next argued that present FIR is out come of matrimonial dispute and even as per the allegations levelled by the complainant, no injury attributed to accused-applicant. Prayer is made for grant of concession of anticipatory bail.

5. Per contra, Sh.Amit Aulakh, learned Additional Public Prosecutor for State opposed the bail application on the ground that accused-applicant along with other after forming unlawful assembly has caused injuries upon the complainant on his vital part and prayer is made for dismissal of the bail application.

6. After hearing the rival contentions of the parties and from the perusal of the record, it emerges out that FIR in question is out come of matrimonial dispute between the complainant and his in-laws family. After registration of the FIR, Karanbir Singh (brother-in-law of complainant) has already been arrested in the present case. Present accused-applicant has been attributed lalkara and no injury attributed to her. As per the statement suffered by ASI Sukhwinder Singh, accused-applicant is not involved in any other case. Accused-applicant having permanent abode and as such, her chance of fleeing

from justice, would be bleak. So, under these circumstances of the present case as discussed above, custodial interrogation of the applicant/accused at this stage appears to be not imminent. As such, without commenting upon the merits of the case and in order to facilitate the fair investigation, applicant/accused is directed to join the investigation and in the event of doing so, she shall be released on interim bail to the satisfaction of Arresting Officer/Investigating Officer and applicant is directed to cooperate in the investigation, subject to the following conditions: -

- I. That the applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the present case, so as to dissuade her from disclosing such facts to the investigator during the course of investigation and after presentment of challan to the court.
- II. That the applicant will join the investigation as and when called by the investigating officer.
- III. That the applicant shall not leave the country without prior permission of the Court. Applicant shall furnish the details of passport, if any and in case she is not holder of the same, she shall furnish affidavit to that effect.
- IV. The accused/applicant shall furnish/submit 'Address Form' before the investigator, mentioning her ordinary place of residence and mobile number (s), which shall be used by her till the pendency of the case and would furnish undertaking that in case of change of place of residence/mobile number, she shall share the details with the investigator or with the trial court as the case may be.

6. It is made clear that observation made herein above shall not be construed as an expression on the merits of the main case. Now to come up on 08.05.2025 for awaiting report from concerned police station as to whether applicant has joined the investigation or not.

Date of order:-01.05.2025.

Iqbal Singh JW

(Raman Goklaney)
(UID No. PB-0687)
Additional Sessions Judge,
Gurdaspur.