

PBBT010048052021



Presented on : 09-07-2021
Registered on : 12-07-2021
Decided on : 23-07-2021
Duration : 0 years, 0 months, 14 days

**IN THE COURT OF SH. HIRA SINGH GILL,
ADDITIONAL SESSIONS JUDGE, BATHINDA
(UID PB-0153)**

**CNR No.PBBT01-004805-2021.
CIS No. BA-1720-2021
Date of order : 23.07.2021**

1. Bhupinder Singh, aged about 65 years son of Shri Hardily Singh, r/o of Street No.4, Nachhatar Nagar, Bathinda, Tehsil & District Bathinda.
2. Prem Singh, aged about 55 years son of Shri Hardial Singh, resident of Street No.4, Nachhatar Nagar, Bathinda, Tehsil & District Bathinda.

....Petitioners

Versus

State of Punjab

.....Respondent.

**FIR No.148 dated 07.07.2021
under Section 458/354/354/A/354-B/323/506/509 of
Indian Penal Code.
Police Station Canal Colony, Bathinda.**

**Bail application under Section 438 of Code of Criminal
Procedure.**

Present: Sh.G.S.Khatra, Advocate, for applicants-accused.
Ms. Veenu Ghai, Addl.P.P. for the State.

ORDER

1. Bail application of applicants/accused under Section 438 Cr.P.C. is considered.
2. Above named applicants-accused are apprehending their

Hira Singh Gill
Additional Sessions Judge PB-0153

arrest in case FIR No. 148 dated 07.07.2021, under Section 458/354/354/A/354-B/323/506/509 of Indian Penal Code, registered at Police Station Canal Colony, Bathinda

3. The prosecution story in brief is that FIR was registered on the statement of complainant Krishna Devi to the effect that her husband died about 1½ years ago. Bhupinder Singh, her neighbourer was having bad eyes on her and used to do obscene acts on seeing her, but she kept quiet for the sake of her honour. On 05.07.2021, at about 8.15 P.M, both of her sons were out for work and she was alone in her house and gate of the house was open. Bhupinder Singh and his brother Prem Singh, both intoxicated entered her house. When she asked their reason to come, on that Bhupinder Singh raised his hand on her mouth and thrown her on the bed. Prem Singh in order to disrobe her, put his hand in her shirt, torn her shirt and caused scratches on her breast with nails. Bhupinder Singh also done obscene acts with her and tore her 'salwar'. She tried to escape out from their clutches. On that, they started beating her. She came in street. Both Bhupinder Singh and Prem Singh badly beaten her by throwing in the street. They have also did obscene acts by sitting on her. She received injuries on her breast, near eye, behind head and left middle finger. On raising raula, neighbourers gathered at the place of occurrence. On seeing them, both accused persons ran away. Her son Naresh Kumar also came at the place of occurrence and he got her admitted in civil hospital, Bathinda.

4. There are four blunt weapon injuries on the person of

complainant.

5. The case of the applicants-accused is that a false case has been registered. There is delay of two days in recording the FIR. Complainant got recorded her statement with police after deliberation and consultation. The doctor opinion her to be fit to make the statement. Infact the complainant is in the habit of standing in the street and in front of her house and on many occasions, the complainant while passing by had requested her not to stand in middle of street, as it would result in an accident with passing vehicles. On 05.07.2021 at about 7.00 P.M, the petitioner Bhupinder Singh was returning to his house from market alongwith his family on Activa scooter and at that time also, the complainant was standing in middle of the street. On seeing petitioner Bhupinder Singh, the complainant started foul mouthing on him. The petitioner Bhupinder Singh tried to pacify her by stopping his scooter, but complainant put her hand around the neck of petitioner Bhupinder Singh while he was sitting on his scooter and tore his shirt. In the mean time, his brother Prem Singh reached there and got him released from the clutches of complainant. The occurrence was witnessed by Harjoban Kaur, aged 23 years, daughter of petitioner Bhupinder Singh, Veerpal Kaur wife of Bhupinder Singh, neighbourers namely Rani Kaur wife of petitioner Prem Singh, Rajhinder Kaur clerk daughter of Zora Singh, Chhinder Kaur Anganwadi Worker, Ajit Singh, Manveer Singh JE, Vicky @ Vikram Singh. Just adjacent to the house of complainant, there is under

construction houses of Rajinder Kaur daughter of Zora Singh and Chhinder Kaur Anganwari worker above named and therefore, there is house of Constable Bindu. The complainant and Constable Bindu had dispute with Rajinder Kaur and Chhinder Kaur regarding sharing of costs of common wall between their houses and petitioner Bhupinder Singh had got settled the disputes by facilitating payment of Rs. 32,500/- each to the complainant and constable Bindu from Rajinder Kaur and Chhinder Kaur, but they were not satisfied and alleged that petitioner Bhupinder Singh has misappropriate the amount and they nursed grudge against the petitioner Bhupinder Singh and his family. The petitioner Bhupinder Singh filed a complaint regarding the above occurrence with the police of Police Post Vardhman, Bathinda. After the occurrence having taken place on 05.07.2021, the complainant in connivance of Constable Bindu got registered this case by leveling false and baseless allegations against the petitioners by self suffering injuries with friendly hands. The petitioners are living in the locality with their families for the last 35 years. The petitioner Bhupinder Singh had a daughter aged about 23 years. The petitioner never indulged in any illegal or immoral activity.

6. While, on the other hand, the learned Additional Public Prosecutor for the State has strongly contested the bail application by submitting that there are four injuries on the person of complainant including injury on the breast. There is no cogent reason for a lady to falsely implicate the accused/applicants, rather complainant has supported

her version in statement under Section 164 Cr.P.C. A case of granting of bail to the accused-applicants is not made out.

7. I have considered the rival submissions.

8. There is specific allegations that accused-applicants entered the house of complainant and threw her on the bed and attempted to disrobe her. They have torn her clothes. When she rescued herself out in the street, they followed her and even gave beatings in the street.

9. No doubt that accused-applicants persons are about 65 years old, belong to respective family, having a daughter studying in Law, but in view of the allegations, it is a serious offence against a woman. Keeping in view the gravity of offence, a case for granting pre-arrest bail to accused-applicants is not made out. Hence, the bail application under Section 438 Cr.P.C. is hence dismissed. Police record be returned. File of this Court be consigned to the Judicial Record Room, Bathinda.

Pronounced in open Court.

Dated: 23.07.2021

Nirmal Singh

**(Hira Singh Gill),
Addl. Sessions Judge,
Bathinda
(UIDPB-0153)**