

**IN THE COURT OF RAVI GULATI
ADDITIONAL SESSIONS JUDGE, GURDASPUR**

CIS No. BA-1722-2024
CNR No. PBGD010042132024
Date of Order: 24.05.2024

PBGD010042132024



Ghulla @ Avinash son of Shingara resident of Staff Road, Sadha
Wali Gali, Batala, Tehsil Batala Distt.Gurdaspur.

.....Accused/Applicant.

Versus

State of Punjab.

.....Respondent.

**FIR No. 304 dated 13.11.2023
U/S 307/148/149/201 IPC and Section 25/27 of Arms Act.
Police Station: Civil Lines Batala**

Second Application for bail under Section 439 Cr.P.C

Present:Sh.Krishan Malhi Advocate, for accused/applicant.
Sh. Tejinder Pal APP for the State.

ORDER

Present second bail application has been filed by
accused/applicant Ghulla @ Avinash son of Shingara seeking regular
bail under Section 439 of Cr.P.C. Gopi who is stated to be brother of
accused/applicant Ghulla @ Avinash has furnished his affidavit that
this is the second bail application filed by accused/applicant under
section 439 Cr.P.C as the first bail application was dismissed by this

court. Ahlmad of this court has also reported that no other bail application is pending in any other court in the present FIR.

2. Upon notice, learned APP put in appearance on behalf of State and contested the bail application. Police record was also requisitioned and perused. ASI Gurdial Singh No. 1791/BTL P.S. Civil Lines Batala who appeared along with record suffered statement that no other bail application of accused/applicant in this FIR is pending in any other court or decided by any court. He further submitted that offence under section 201 IPC was added in the present FIR and challan against the present accused has already been presented and challan against remaining accused is yet to be presented as main accused Dilbagh Singh is yet to be arrested. Thus, the main file has been taken up and perused.

3. Learned counsel for the accused/applicant has submitted that accused/applicant is innocent and has been falsely implicated in present case. He argued that in fact the accused/applicant was not present at the place of alleged occurrence and even no role has been attributed to him. He further submitted that accused/applicant is in custody since 13.11.2023 and now investigation qua him is also complete and challan has also been presented against him. He further submitted that moreover other co-accused namely Sanjeev and Shakti have already been granted anticipatory bail by Hon'ble High Court who have also joined the investigation. Therefore, he prayed that

since custodial interrogation of the accused/applicant is not required any more, he be granted the concession of regular bail. Thus, he prayed that the present bail application be allowed.

4. On the other hand, the learned APP for the State has opposed the bail application contending that the allegations against the accused/applicant are serious in nature as he along with his co-accused caused serious injuries to the complainant and they also fired gun shots on the complainant with intention to kill him. Thus he prayed for dismissal of the present application.

5. After hearing both the sides and after going through the record, this court finds that the present FIR was registered against present accused/applicant and four other persons namely Dilbagh Singh, Sanjeev, Shakti and Shanu at the instance of complainant Robin on the grounds that on 12.11.2023 he had some arguments with Dilbagh Singh son of Narayan but due to the festival of Diwali, the respectable of the society asked them to maintain peace. However on the same day at about 8:30 PM, he was standing outside his house for watching fire crackers. In the meanwhile, Dilbagh Singh armed with pistol, Sanjeev Kumar armed with pistol, Shakti armed with dattar, Shanu armed with dattar and present accused/applicant Ghulla armed with dattar came at the spot and Dilbagh Singh raised lalkara to teach him a lesson for fighting with them earlier. Thereafter Dilbagh Singh fired gun shot towards the complainant with intention

to kill him which hit on his left thigh. Thereafter Sanjeev fired two gun shots towards him with intention to kill him but he dodged the bullets. Thereafter the accused/applicant along with his companions ran away from the spot.

6. In the backdrop of these facts, this court is of the opinion that the allegations against the present accused/applicant are serious in nature as it has been alleged that he was member of the unlawful assembly armed with deadly weapons and his companions had fired gun shots towards the complainant in order to kill him out of which one had hit his left thigh. Admittedly Dilbagh Singh is yet to be arrested who had fired gun shots on the complainant.

7. Just because challan has been presented against him cannot be a sole ground to grant bail to the accused/applicant at this stage when this court has already dismissed his bail application earlier. Admittedly the main accused is yet to be arrested in this FIR and if granted bail, the accused/applicant may interfere in the pending investigation and may also threaten the witnesses. Hence, the present bail application is hereby dismissed. However the observations made herein shall have no effect on the merits of the main case. Police record be returned. Record of bail application be tagged with the main file.

Pronounced
Dated:24.05.2024.
Shiv Kumar, Stenographer-I

(Ravi Gulati)
Additional Sessions Judge,
Gurdaspur(UID No.PB0242)