

**IN THE COURT OF SH.ARUNVIR VASHISTA,(UIN-PB0050),
ADDL.SESIONS JUDGE, LUDHIANA.**

Bail Application
CIS No.BA/17520/2018
CNR No. PBLD0102711732018
Decided on: 2.1.2019

State Versus Baljit Singh @ Nikka son of Rashpal
Singh, aged about 29 years r/o Malsian
Bhai Ke tehsil Jagraon, PS Sidhwan Bet,
District Ludhiana.

....Applicant/Accused

FIR No.44 dated 7.3.2016
U/s 308 of the IPC
P.S. Sidhwan Bet, Ludhiana.

Bail Application u/S 439 Cr.P.C.

Present: Sh.Kuldeep Singh Mand, Advocate for the applicant
 Sh.Harkirat Singh, Addl.PP for the State.

 Heard on the regular bail application moved on behalf of
applicant/ accused Baljit Singh under Section 439 Cr.P.C. in the above
noted FIR.

2. It has been submitted and emphasized on the behalf of
applicant/ accused that he has not committed any offence and no offence
is made out against him. There is an inordinate delay in lodging of the
FIR, which creates doubt in the version of the prosecution. The
applicant/accused has been in judicial custody since 16.11.2018. Nothing
was to be recovered from him. Presentation of challan and conclusion of
trial would likely to take long time. No useful purpose was going to be
served by keeping him behind the bars. On these assertions, prayer for
grant of bail to the applicant/ accused has been made.

3. While opposing the above contentions, learned Addl PP for
State has submitted that the allegations against applicant/accused are of

grave and serious nature. He inflicted grievous injury on the person of the injured/complainant by means of brickbat hitting him on head, a vital part of the body. The injury was later declared dangerous to life as well, although the complainant has been discharged from the hospital. Moreover, if granted bail, there are chances that the applicant/accused might run away from law and proceedings as P.O. proceedings were also taken out against him. On these assertions, he has prayed for rejection of the bail.

4. As per the allegations in the FIR, the applicant/accused had an altercation with the complainant while playing cricket together and as a result of that the applicant/accused allegedly inflicted an injury on the person of the complainant by means of brickbat hitting him on his head. The injury inflicted was declared to be grievous one and dangerous to life.

5. The applicant/accused has already been sent to judicial custody, where he has been so for the last more than 1-1/2 months by now. His custody was no longer required for any purpose whatsoever. Although challan has been presented, yet conclusion of trial is likely to take considerable time and no useful purpose is going to be served by keeping the applicant/accused behind bars throughout. His culpability/liability, if any, is to be adjudged in the trial. Chances of his fleeing from the law and proceedings can also be got minimised by subjecting the applicant/accused to some kind of sound and heavy surety. Thus the applicant/accused is found to be entitled to the grant of concession of bail by this court upon exercising its special powers u/S 439 Cr.P.C. Accordingly, present bail application is allowed and applicant/accused is admitted to bail on furnishing of bail/surety bonds in the tune of

Rs.60,000/- with one sound and local surety in the like amount, subject to the following terms:-

1. He shall appear in the trial court on each and every date of hearing;
2. he shall not tamper with the prosecution evidence;
3. he shall not leave India without prior permission of the court ;

My observations made here-in-above while disposing of bail application shall not affect the merits of the case. Lower court record be returned alongwith a copy of this order. Bail application file be consigned to record room.

Pronounced in open court.

January 02, 2019

Anil K. Rao
Stenographer Gr-I

Arunvir Vashista,
(UIN-PB0050)
Addl.Sessions Judge, Ludhiana.