

**In the Court of Ms. Rana Kanwardeep Kaur Chahal,
Addl. Sessions Judge, Kapurthala (UID No.PB00223)**

CNR No. PBKP010041452024



Case No. BA/1735/2024

Presented on : 27-08-2024

Registered on : 28-08-2024

Date of Order : 03.09.2024

**Next date of
hearing** : 10.09.2024

1. Paramjit, s/o Sh. Bachan Ram, aged about 49 years, r/o St. No.3, Hoshiarpur Road, Mohalla Dharamkot, Phagwara, District Kapurthala;
2. Ranjit Kaur, w/o Sh. Paramjit, aged about 47 years, r/o St. No.3, Hoshiarpur Road, Mohalla Dharamkot, Phagwara, District Kapurthala;
3. Rakesh Kumar, s/o Sh. Raj Kumar, aged about 39 years, r/o Mohalla Dharamkot, Phagwara, District Kapurthala;
4. Suraj, s/o Sh. Raj Kumar, aged about 25 years, r/o St. No.1, Hoshiarpur Road, Mohalla Dharamkot, Phagwara, District Kapurthala.

...Applicants/accused

Versus

State of Punjab

..Respondent

FIR No.314 of 11.12.2020,
U/s 323, 380, 452, 295, 148, 149 of IPC,
P.S. City, Phagwara, District Kapurthala.

BAIL APPLICATION UNDER SECTION 482 of BNSS

Present: Ms.Harpreet Kaur, Advocate for applicants/accused.
Sh.APS Dhillon, Addl.P.P. for the State.
SI Nirmal Singh, No.550/JR, PS City Phagwara, District Kapurthala.

ORDER:

1. Applicants/accused have filed this bail application under Section 482 of BNSS in a case FIR No.314 of 11.12.2020, under sections 323, 380, 452, 295, 148, 149 of IPC, registered at PS City Phagwara, District Kapurthala.

2. Upon notice, Sh.APS Dhillon, Additional Public Prosecutor appeared on behalf of State and opposed the bail application.

ARGUMENTS OF LD. COUNSEL FOR APPLICANTS/ACCUSED:

3. The learned counsel for the applicants/accused has submitted the allegations in the FIR are totally false & frivolous. They have been falsely implicated in this case because of ill-will and enmity of the complainant and connivance with police officials. They are totally innocent and they have not committed any alleged offence. The complainant has concocted a false story with an ill-motive to harass the applicants. The FIR is false. The applicants are in no way connected with the commission of offence either directly or indirectly. Even the ingredients of the offence alleged have not been made out from the bare reading of FIR. Applicants/accused undertakes to abide by the terms to be imposed while releasing on bail and accordingly, it is prayed that their bail application be allowed.

ARGUMENTS BY LD. ADDL. PUBLIC PROSECUTOR:-

4. On the other hand, the learned Addl. P.P for the State has hotly opposed the submissions of learned counsel for the applicants/accused. He has argued that in order to bring truth on record and for proper

facilitation of investigation, custodial interrogation of applicants/accused is necessary and they do not deserve the concession of anticipatory bail. Accordingly, a prayer is made for dismissal of the bail application.

5. Further, SI Nirmal Singh has appeared and suffered a statement that as per the record, no bail application under provisions of Section 438 Cr.P.C. or 439 Cr.P.C./ 482 BNSS or 483 BNSS has been filed before the Hon'ble High Court or decided by it or by any other Superior Court against the present applicant/ accused in the present case.

6. **I have heard the Ld. Counsel for the applicants/accused and Ld. Addl.P.P. for the State and have also gone through the record.**

7. Case record received and perusal of the same reveals that the FIR in this case has been registered at the instance of complainant Sukhwinder Singh with the allegations that on 03.12.2020 at about 10 AM, he was present at his shop. In the meantime, Paramjit Singh @ Pamma and Kesha along with 08-10 came there and gave beatings and caused injuries to complainant. Thereafter, he was admitted in Civil Hospital Phagwara by his associate Taranvir Singh. There are allegations that during the occurrence, his turban was pulled by aforesaid Paramjit Singh and he also took away his chain. The said Kesha also took away gold kara of complainant and Rs.50,000/- from his pocket. Thereafter, on raising clamour by complainant, all the aforesaid assailants fled away from the spot after causing injuries to complainant. During investigation proceedings, supplementary statement of complainant was also recorded. He has stated in his supplementary statement that after checking the CCTV footage, he came to know the names of aforesaid assailants as Paramjit @ Pamma, Rakesh Kesha, Love, Suraj,

Paramjit, Ranjit Kaur and 8-10 unknown associates of them.

8. While hearing the bail application, it is well settled law that Court is not required to appreciate and scrutinize the evidence in detail. However, for deciding such application, nature of offence, manner in which it is alleged to have been committed, role attributed and also other circumstances are required to be considered.

9. So, in view of above facts and circumstances, without going into the merits of the case, this Court is of the considered opinion that before deciding this bail application on merits, it is appropriate to direct the applicants/accused to join investigation which would be beneficial for further progress of investigation. As such applicants/accused are directed to join investigation within 07 days from today by surrendering before the IO/SHO of Police Station City Phagwara, District Kapurthala in the event of arrest of applicants/accused, such Arresting Officer is directed to release them on interim bail in this case, on their furnishing bail bonds/surety bonds to his satisfaction, as per law. Now to come up on **10.09.2024 for awaiting report of I.O. regarding joining of investigation by applicants/accused.** Case record be returned accordingly.

Pronounced
Dated:03.09.2024

Kaushal

(Rana Kanwardeep Kaur Chahal),
Addl. Sessions Judge, Kapurthala
(UID No.PB00223)

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SI Nirmal Singh, No.550/JR, PS City Phagwara, District
Kapurthala.

Statement of SI Nirmal Singh has been recorded.

Arguments heard. Vide my separate detailed order of even
date, the interim bail is granted to applicants/accused as stated therein.
Now to come up on **10.09.2024 for awaiting report of I.O. regarding
joining of investigation by applicants/accused.** Case record be returned
accordingly.

Dated:03.09.2024
Kaushal

**(Rana Kanwardeep Kaur Chahal),
Addl. Sessions Judge, Kapurthala
UID No.PB00223)**