

**IN THE COURT OF KAWALJIT SINGH,
ADDITIONAL SESSIONS JUDGE, TARN TARAN.
(UID Number PB0155)**

Case Type	Bail Application
Filing Number	3074/2023 Filing Date: 14.06.2023
Registration Number	1747/2023 Date of Registration: 15.06.2023
CNR Number	PBTT0100-3567-2023
Date of Decision	05.07.2023

Manjinder Singh alias Nikka Singh, aged 31 years, son of Joga Singh, resident of village Sandhra, Police Station Bhikhiwind, Tehsil Patti and District, Tarn Taran.

---Applicant/accused

Versus

State of Punjab

---Respondent

FIR No.206 dated 29.12.2020
Under Sections 326, 379-B (2), 324, 323, 506, 148 and 149 of IPC
Police Station, Bhikhiwind

BAIL APPLICATION UNDER SECTION 439 Cr.P.C.

Present: Shri S.S. Sandhra, Advocate for the applicant-accused
Shri Gurpreet Singh Rana, Additional P.P. for State

ORDER

Applicant/accused has filed the instant bail application under Section 439 Cr.P.C., seeking regular bail in the above noted case.

2. The present case FIR has been registered on the basis of statement made by complainant Bitta Singh son of Gian Singh to the effect that on 23.12.2020, at about 08:00 A.M., Kulbir Singh armed with Datar, Davinder Singh alias Harsha armed with Baseball Bat, Gurwinder Singh armed with Dang, Geeta and Nikka empty handed came in front of his house in the street and started hurling abuses. When he went outside then Geeta Singh raised lalkara to catch hold of him and be taught a lesson for preventing their kids from entering the Gurudwara. Then Kulbir Singh gave

a blow with Datar on his left arm and when he raised his arm it hit on the arm. Davinder Singh gave a blow with Baseball Bat which hit on the right side of his chest. Then Gurwinder Singh gave Dang blow on his left leg due to which he fell down on the ground. While he was on the ground then Nikka gave a fist blow which hit on his left eye. He raised alarm which attracted his brothers Shamsheer Singh and Komal Singh to the spot. Seeing the people gathering there accused persons, while giving threats and hurling abuses, ran away from the spot with their respective weapons. His brothers arranged for conveyance and got him admitted in the hospital. On 23.12.2020, at about 07:30 P.M., his brother Shamsheer Singh brought meals for him and then Vicky, Goldy, Kulbir Singh, and Davinder Singh entered into a scuffle with his brother. They snatched mobile of OPPO company and Rs.15,000/- from his brother and threatened his brother.

3. It is submitted by the learned counsel for the applicant/accused that the applicant/accused is innocent but has been falsely implicated in the present case. It is submitted that alleged occurrence took place on 23.12.2020 but FIR has been lodged on dated 29.12.2020 after unexplained delay of 06 days. As per the allegations applicant/accused is not alleged to be armed with any weapon and his attributed to have inflicted simple injury with fist. It is submitted that applicant/accused also has no connection with second incident which is being alleged to have taken place around 7.30 P.M. Applicant/accused is in judicial custody since 23.03.2023 and is nor more required for investigation or interrogation purpose. Co-accused have been granted similar concession of regular bail. No useful purpose is going to be served by keeping the applicant behind bars any further as presentation of

challan and conclusion of trial is going to take some time and prayed for grant of regular bail to the applicant.

4. On the other hand, learned Additional Public Prosecutor for the State has opposed the bail application on the ground of seriousness and gravity of the offence.

5. Having heard the contentions of both the parties it comes out that as per the contents of this case FIR accused persons formed unlawful assembly armed with deadly weapons and furtherance of common object that unlawful assembly they with premeditated mind grievously assaulted the complainant. Applicant/accused is not alleged to be armed with any weapon and is attributed to have inflicted simple injury with fist to the complainant. Applicant/accused was involved in the second incident of snatching also is not alleged by the complainant. Criminal liability of the applicant/accused is a matter of evidence. Applicant/accused is in judicial custody since 23.03.2023 and is no more required for investigation or interrogation purpose. Some of the co-accused already have been granted the similar concession of regular bail. No useful purpose is going to be served by keeping the applicant/accused behind the bars for indefinite period of time. As such, without commenting anything upon the merits of the case and also on the basis of parity, this application is allowed and the applicant/accused is ordered to be released on bail on furnishing of bail bonds in the sum of Rs.50,000/-, with one surety each in the like amount, to the satisfaction of learned Illaqa/Duty Magistrate/trial court, subject to the conditions that the applicant/accused shall not leave India without the prior permission of the court and applicant shall not directly or indirectly make any inducement, threat or promise, to any person acquainted with the facts

of case, so as to dissuade from disclosing such facts to court, during trial. However, it is made here clear that observation made herein above shall not be construed as an expression on the merits of main case. The bail application file be consigned to the Record Room, Tarn Taran.

Announced: 05.07.2023

**Kawaljit Singh,
Additional Sessions Judge(Duty),
Tarn Taran.
UID Number PB0155**

Lovepreet Stenographer Grade-II