

Present: Sh. Paramjit Singh Turna Advocate for the applicants/
accused.

Sh.Gurpreet Singh, Additional PP for the State with ASI
Daljit Singh.

1. Police record produced. Heard. Learned counsel for applicants/accused Akashdeep, Daya Singh, Nirmal Singh and Vijay Singh @ Bija pressed for anticipatory bail on the ground that applicants/accused have been falsely implicated in the present case by complainant Charanjit Kaur, though injured has suffered simple injury. He further contended that it has been alleged that applicants/accused along with 8/9 unknown persons attacked on the complainant party, but no one suffered injury and it is very strange that only simple injury has been inflicted on person of Balvir Kaur. He further contended that all the offences are bailable except Section 452 of IPC. He also pressed that no notice under Section 41 (A) Cr.P.C has been served upon the applicants/accused. He also contended that applicants/accused are ready to join investigation and prayed for protection and bail on these grounds.

2. Learned Additional PP for the State opposed the bail application on the ground that injured Balvir Kaur suffered injuries and applicants/accused along with unidentified persons attacked on the house of complainant party. He prayed for dismissal of the bail application.

3. After hearing their respective submissions and perusal of the record reveals the fact that FIR has been got registered by Charanjit Kaur

wife of Gurpal Singh with the allegations that applicants/accused along with others 8/9 unknown persons had started abusing out side her house and when they came out, applicant/accused Akashdeep and Daya Singh allegedly gave brick blows on her mother in law Balvir Kaur, which hit on her abdomen and face. Alleged injuries mentioned in the MLR are simple in nature and all other offences are bailable except Section 452 of IPC. Moreover, the police has not served any notice under Section 41 (A) of Cr.P.C upon the applicants/accused, compliance of which is mandatory as per latest law in **Satender Kumar Antil Vs. C.B.I and Anr. in 2022 Livelaw (S.C.) 577.** Keeping in view all these facts and circumstances, applicants/accused require protection, as allegations have yet to be established during the trial though they are bound to join the investigation. As such, applicants/accused are ordered to join investigation and in case of their arrest, they be released on interim bail by the I.O./SHO to his own satisfaction subject to compliance of provisions of Section 438 Cr.P.C. However, applicants/accused are ordered join the investigation, to cooperate with the Investigating Agency and they would not leave the country without prior permission of the Court. Now the bail application is to come up on 05.04.2023 for report, record and arguments.

Date of Order:29.03.2023

manjit singh

(Dharminder Paul Singla)
Additional Sessions Judge, Jalandhar
UID No.PB00083