

CNR No. PBFZ0100-4485-2020

CIS No.BA-2344/2020

Date of Order: 06.11.2020

(Application for bail under Section 438 of Cr.P.C)

—

Present: Sh. J.S. Kalra, Adv., counsel for applicant/accused.

Sh. Rajiv Chaudhary, Addl.PP for the State.

Sh. Gurajesh Bajaj, Adv., counsel for the complainant.

O R D E R

1. Heard on the bail application moved by applicant/accused Sukhwinder Singh, under Section 438 of Cr.P.C, pertaining to FIR No.133, dated 30.06.2019, under sections 323,324,506,148,149 IPC and 307 IPC (added vide rapar no.22 dated 07.07.2019) and now proclaimed to added offence under section 326 IPC, police Station Sadar, Ferozepur, wherein learned Additional PP for the State and counsel for the complainant have opposed the same on the ground that there are serious allegations against the applicant/accused.

2. Perusal of the FIR as well as police record shows that applicant/accused alongwith other co-accused/non-applicants had entered into scuffle with the complainant party at Dargah of Peer Baba

and caused ten injuries in total to the complainant as well as other three persons including son of the complainant.

3. Besides the aforesaid fact, there is cross-version, which has also been got registered by the side of the applicant/accused, wherein co-accused/non-applicants Bhajan Singh, Gurtar Singh and Sukhwinder Singh have also received in total seven injuries and for which the offence under sections 341,323,148,149 IPC have also been added.

4. Further perusal of the file shows that the injury on the person of Kulwinder Singh is attributed to the applicant/accused, which was given with baseball bat and as per the MLR, it is only complaint of pain on head and till today, no x-ray report is there, which could show that the aforesaid injury is dangerous to life or fall under section 326 IPC.

5. Besides the aforesaid fact, admittedly, in the cross-version case, applicant/accused also received three injuries on his person, out of which one is incised wound, which was given by Balwant Singh, from the complainant side, with *Kapa*, which hit on the left arm and other one lacerated wound, on the head of the applicant/accused and

one another injury is on the left hand.

6. While taking into consideration the aforesaid factual position alongwith the fact that though one injury attributed to the applicant/accused, who was allegedly armed with baseball bat but at the same time, in a cross-version case, he also received three injuries, as stated aforesaid; alongwith the fact that there are no chances of tampering of prosecution evidence and no possibility of the applicant/accused to flee from justice, therefore, in the event of arrest of applicant/accused in the case in hand, he shall be released on interim bail to the satisfaction of Arresting Officer/Investigating Officer. The applicant/accused shall comply with the provisions of section 438 (2) Cr.P.C and he shall join the investigation pertaining to the case in hand on or before 12.11.2020.

7. Now to come up on 12.11.2020 for further proceedings and consideration. Anything said in this order shall not affect the merits of the main trial in any manner. Police record be returned and the same be again produced on the date fixed.

Pronounced in open Court.
Dated: 06.11.2020
yashpaul

Sd/- (Sachin Sharma)
Addl.Sessions Judge,
Ferozepur