

**IN THE COURT OF MS. JATINDER KAUR,
SESSIONS JUDGE, FAZILKA (UID No. PB0062).**

CIS NO. BA/1714/2023.

Date of Instt: 11.08.2023.

CNR No. PBFZC0-004474-2023.

DATE OF ORDER: 14.08.2023.

1. Krishna Rani age about 29 years d/o Manjeet Singh,
2. Rashpal Singh age about 32 years son of Manjeet Singh @ Jeet Singh, both residents of village Sohna Sandar (Sandhar Ke) Tehsil Jalalabad District Fazilka,
3. Jora singh age about 36 years son of Darshan Singh resident of village Dholan P.S. Sadar Jagraon District Ludhiana.

----Applicants-accused.

Versus

State of Punjab

-----Respondent

Application for bail u/s 439 Cr.P.C. in a case FIR no. 128 dated 28.07.2023 under sections 379-B, 341, 506, 34 IPC, P.S. City, Fazilka (Offence under section 411 IPC enhanced later on vide rapat no. 27 dated 14.08.2023).

Present: Sh. S.S. Maan Advocate counsel for applicants-accused.
Sh. Wazir Kamboj, Addl. P.P. for the State-respondent.

ORDER

This order of mine shall dispose off 2nd regular bail application U/S 439 Cr.P.C. moved by the above named applicants-accused in the aforementioned FIR (i.e. after addition of offence under section 411 IPC).

2. The brief facts leading to the filing of the present bail application are that FIR in this case was got registered on the statement of complainant Chattar Singh son of Vikram Singh resident of Dhani Hardit Singh, Shamshabad P.S. Sadar, Fazilka stating that his wife is the present Sarpanch of aforesaid village, who used to visit Court Complexes for getting the matters compromised between the parties. On 21.07.2013, he

along with Panch Pala Singh were getting some matter typed in D.C. Complex, Fazilka from Iqbal Singh Typist, where all of a sudden, Rachhpal Singh, Gurdeep Singh sons of Manjeet Singh, Krishna Rani, Parveena Rani ds/o Manjit Singh residents of village Sohna Sandar and Jora Singh son of Darshan Singh resident of village Dholna Tehsil Jagraon came and started hurling abuses at him and also threatened him with elimination. When in order to make a call on Police helpline, he took out his mobile phone, Parveen Rani and Krishna Rani snatched his mobile phone and when he tried to take back his mobile phone, all the accused persons obstructed his way and did not allow him to go outside the Tehsil complex. Panch Pala Singh tried to persuade them, but to no effect. Seeing the gathering of people, all the accused after snatching his mobile phone ran away from the spot. On the basis of said statement, present FIR was registered.

During investigation, the applicants-accused were arrested. Hence, the present bail application.

3. Notice of the bail application was given to the State. Learned Addl. P.P. appeared on behalf of the State and contested the same for the State.

4. This Court has heard the contentions raised by learned counsel for the applicant as well as learned Addl. P.P. for the State and have also perused the record of the case.

5. The learned counsel for the applicants-accused contended that the applicants-accused are in judicial custody since 28/29.07.2023. The applicants-accused have not committed any offence and they have been falsely implicated in the present case. Nothing is to be recovered from the applicants-accused. He further contended that the complainant is cousin of Krishna Rani, Rashpal Singh and others and on 21.07.2023, Krishna Rani

and Rashpal Singh came to Fazilka for inquiry purpose and complainant also came on that day at Fazilka. There is matrimonial dispute between Rashpal Singh and his wife. The complainant and others caused injuries to Parveen Kaur, who was got admitted in Civil Hospital, Jalalabad and due to that grudge, the present false FIR has been got registered against the applicants-accused. There is delay of 07 days in lodging the FIR. The applicants undertake to appear on each and every date of hearing and shall not leave the country without prior permission and shall not tamper with prosecution evidence. The conclusion of trial shall take long time and prayer was made for acceptance of the present bail application.

Whereas, on the other hand, learned Addl. P.P. for the State opposed the present bail application. He has contended that accused-applicants have committed the serious offences by snatching a mobile phone belonging to the complainant and obstructing him from moving to a specific direction and also criminally intimidated him and thus, applicants-accused do not deserve the benefit of bail and prayed for the dismissal of bail application.

6. This Court has considered the rival contentions of both the sides. The applicants are in judicial custody since 28/29.07.2023 i.e. for the past about 10 days. The applicants-accused have already been granted regular bail by this Court vide order dated 08.08.2023 passed in bail application no. BA/1634/2023 and the present 2nd bail application has been moved after addition of offence under section 411 IPC. Today, ASI Jaspal Singh No. 148/Fazilka, P.S. City, Fazilka came present and suffered a statement that vide rapat no. 27 dated 14.08.2023, offence under section 411 IPC has been enhanced in the present FIR. Moreover, the conclusion of trial shall take long time. No useful purpose shall be served by detaining

the applicants in jail for an indefinite period. So the allegations levelled against the applicants are not suffice for their detention in the jail till the conclusion of trial. So, in these circumstances, it is a fit case where the benefit of regular bail must be given to accused-applicants.

7. Resultantly, the application succeeds and is, hereby, accepted. The accused-applicants are admitted to bail on their furnishing personal bonds in the sum of Rs.1,00,000/- each (Rupees One Lakh only) with one surety of the like amount each before the Illaqa Magistrate/Duty Magistrate/Trial Court. Applicants shall appear in the Court on each and every date of hearing; shall not tamper with the prosecution evidence and shall not leave India without its prior permission. The observations made here above shall have no effect on the merits of the case. Bail Papers be consigned to the record room after due compilation.

Sd/-

Pronounced.
Dated: 14.08.2023.
'Bhola Shankar'
'Stenographer Gr.I'

(Jatinder Kaur),
Sessions Judge,
Fazilka (UID No. PB0062)

BA 1714 of 2023 Krishna Rani & others versus State of Punjab
CNR No. PBFZC0-004474-2023

Present: Sh. S.S. Maan Advocate counsel for applicants.

Upon notice, Shri Wazir Kamboj, Addl. PP put appearance on behalf of respondent-State. ASI Jaspal Singh No. 148/Fazilka, P.S. City, Fazilka came present and suffered a statement that vide rapat no. 27 dated 14.08.2023, offence under section 411 IPC has been enhanced in the present FIR.

Heard. Report of Ahlmad perused. Vide my separate & detailed order of today, the present 2nd bail application u/s 439 Cr.P.C. applied on behalf of aforementioned applicants-accused has been disposed off.

Bail application file be consigned to the Record Room, Fazilka, after due compilation. Sd/-

Pronounced.
Dated: 14.08.2023.

‘Bhola Shankar’
‘Stenographer Gr.I’

(Jatinder Kaur),
Sessions Judge,
Fazilka (UID No. PB0062)