

1 CIS NO. BA-1718-2019
CNR NO. PBGD01-006686-2019

IN THE COURT OF RAMESH KUMARI (UID NO.PB0039)
SESSIONS JUDGE, GURDASPUR

Bail Application No.143 of 2019
Date of Institution: 01.07.2019
Date of Decision: 09.07.2019

1. Arshdeep Singh @ Deepu son of Nirmal Singh,
2. Rakesh Kumar son of Chena, both residents of Sanana Mohalla,
Fatehgarh Churian, Tehsil Batala, District Gurdaspur.

...Applicants/Accused

Versus

State of Punjab

...Respondent.

FIR No.84 dated 10.08.2018
U/s 326, 325, 324, 323, 427, 379, 148, 149 IPC
P.S. Fatehgarh Churian.

1st Application for bail U/s 438 CR.P.C

Present: Shri Tarsem Singh Lalli, Advocate, for accused/applicants.
Shri A.P.S. Sandhu, Public Prosecutor for the State

ORDER:

This order of mine shall dispose of the bail application under Section 438 of Criminal Procedure Code (hereinafter referred to as Cr.P.C.) filed by applicants/accused Arshdeep Singh @ Deepu and Rakesh Kumar in case FIR No.84 dated 10.08.2018, U/s 326, 325, 324, 323, 427, 379, 148, 149 IPC, registered at P.S. Fatehgarh Churian.

2. Notice of bail application was issued to the State and police record perused.

3. The facts, in brief, are that the aforesaid FIR has been

registered at the instance of complainant Jagroop Singh son of Baldev Singh, caste Jat, resident of Khalsa Colony, Near Railway Station, Ward No.06, Fatehgarh Churian, who in his complaint has alleged that on 02.08.2018, at about 8.15 p.m., he was going with Nirmal Singh son of Jasbir Singh on his motorcycle bearing No.PB-06-AL-0269 to a medical store for taking medicine. When they reached near the house of Raghbir Singh Sandhu, Advocate, then a car make Ritz No.DL-2CAL-2625, which was being driven by Arshdeep Singh @ Deepu, and Parambir Singh son of Pal Singh was sitting beside his seat whereas Lovepreet Singh @ Lali son of Gурpal Singh, Sibу son of Manohar Lal and Rakesh Kumar @ Ghora son of Chena were sitting on rear seat of the car. Complainant further stated that Arshdeep Singh hit his car in their motorcycle, which was being driven by Nirmal Singh and he was sitting on pillion seat of the motorcycle, as a result of which they both fell down from the motorcycle and while they were lying on the ground, Arshdeep Singh again hit his car against them and thereafter they came out from the car. Then Arshdeep Singh gave a kirpan blow on the person of complainant, which hit on index finger of his left hand; Lovepreet Singh also gave a kirpan blow, hitting on ring finger of left hand of complainant; Parambir Singh gave brick-bat blows on right shoulder and backside of head of complainant; Sibу gave datar blow with its reverse side, which hit on right shoulder of complainant; and then Rakesh Kumar gave datar blow with its reverse side, which hit on left shoulder of complainant. Arshdeep Singh again

gave kirpan blow with its reverse side, hitting on left ankle of complainant. Then Lovepreet Singh gave kirpan blow on the person of Nirmal Singh, which hit on his right leg and ankle. Rakesh Kumar gave brick-bat blows on the person of Nirmal Singh, which hit below his left eye and right elbow. Thereafter Arshdeep Singh gave kirpan blow with reverse side on the person of Nirmal Singh, which hit on his head and right ankle. Then Sibbu gave datar blows with its reverse side on the person of Nirmal Singh, which hit on his chest, abdomen and lower back. Then Parambir Singh gave brick-bat blows on the person of Nirmal Singh, which hit on his right and left shoulder. Complainant further stated that people of the locality had gathered at the spot and his paternal uncle Gurdev Singh also reached the spot and saved them from the assailants and thereafter all the assailants alongwith their respective weapons ran away from the spot in their car. Complainant also stated that Parambir Singh had took out his mobile phone make Samsungs J-7 NEXT from his pocket. Injured were taken to the hospital. The motive behind the occurrence was that some days ago, Lovepreet Singh had a dispute with brother of complainant's friend Karan Aulakh and that is why they caused injuries on the person of complainant and Nirmal Singh. The matter was reported to the police and the police swung into action and the aforesaid FIR has been registered.

4. Shri Tarsem Singh Lali, Advocate, learned counsel for the applicant/accused has contended that the applicants/accused are innocent and have been falsely implicated in this case. He further

argued that in fact no occurrence took place and that the medical reports of the complainant as well as Nirmal Singh are fake and manipulated by the complainant party in connivance with the medical officer. He further argued that in fact, on 02.08.2018, the complainant party had caused injuries to Ranjit Singh and Dimple and in order to pressurize the applicants/accused party, the complainant party has procured false MLR. He further contended that the applicant/accused apprehends arrest and illegal confinement. He further argued that nothing is to be recovered from the applicants/accused and prayed for grant of anticipatory bail to the applicants/accused.

5. These arguments have been refuted by Shri A.P.S. Sandhu, learned Public Prosecutor by contending that allegations against applicants/accused are serious in nature. He argued that applicants/accused alongwith other co-accused were armed with kirpans and datars and they had caused multiple injuries including head injury on the person of Nirmal Singh and complainant. He further argued that weapons used in causing injuries are yet to be recovered and for effective investigation of the case, custodial interrogation of the applicants is required.

6. I have heard learned counsel for the applicants/accused, learned Public Prosecutor for the State and have also gone through the police record.

7. As per allegations of the prosecution, the accused were duly armed with kirpan, datars etc. Though the injuries attributed to the

applicants/accused caused with reverse side of kirpan and datar, respectively, falls under Sections 323 IPC but the applicant/accused Arshdeep Singh had caused head injury on the person of Nirmal Singh and he also hit his car against both the injured for twice. The other co-accused are yet to be arrested and the datars, kirpans etc. allegedly used in the commission of crime are also yet to be recovered. In these circumstances, keeping in view the gravity and seriousness of the offence, there is no ground made out for the grant of anticipatory bail to the applicants/accused. Accordingly, the anticipatory bail application is hereby dismissed. Police record be returned. Bail application file be consigned to the record room.

Pronounced:
09.07.2019

(Ramesh Kumari)
Sessions Judge, Gurdaspur
(UID No.PB0039)

(*Vinay*)