

CIS No. BA/1719/2020
CNR No. PBMN010038562020

FIR No.428 of 22.10.2019
U/Ss 307, 452, 323, 148, 149 IPC
Police Station Sadar Mansa

Date of order: 08.12.2020

Present: Sh. Sahil Goyal, Advocate, Counsel for applicant/accused
Kulwinder Singh alias Kinda.
Ms. Parminder Kaur, Addl.P.P. for respondent-State.

Police record presented by Ld Addl.P.P. is perused and returned. Heard on the application of applicant for anticipatory bail in this case.

2. Ld. Counsel for applicant submitted that latter has been falsely implicated in this case. No ingredients of offence under Section 307 IPC are there. This offence has been added to make the matter non-bailable. Applicant is not required for custodial interrogation. He is ready to join the investigation. Hence the prayer to admit him to anticipatory bail.

3. Ld. Addl.P.P. vehemently opposed the bail application submitting that a number of accused, in prosecution of their common object, had attacked complainant with deadly weapons including iron pipe. Six injuries were caused to complainant including head injuries. Weapons of offence are yet to be recovered. Hence the prayer to dismiss the application.

4. Complainant Baldev Singh stated to the I.O. on 22.10.2020 that at about 8.30 PM on 21.10.2020, he was lying in his room. Outer door was lying open. By then non-applicant Surinder Singh alias Shinda carrying iron pipe, applicant also armed with iron pipe, and another unidentified person entered the room. Complainant got up and confronted accused party. Non-applicant Surinder Singh gave blow of iron pipe on the head of complainant with intention to kill. Complainant saved the blow with his right arm and the blow landed on his right wrist. Applicant hurled abuse and gave blow of iron pipe on the left elbow of complainant

and another blow on his left wrist. He fell down. Unidentified person gave soti blow on his left lower leg. By then 2-3 unidentified persons exhorted the remaining accused from outside that complainant be not spared and he be killed. Non-applicant Surinder Singh then gave blow of iron pipe on the front part of head of complainant. Applicant gave blow of iron pipe on the backside of his head. Unidentified person gave blow of soti on the right side to his abdomen. Complainant raised alarm. His son-in-law Jagsir Singh came down and raised alarm. All accused fled away on motorcycle. Reason for attack was that these assailants were drug addicts and some days back they had broken the fan installed at the common place in village in front of the Gurudwara for which fine was imposed on them and therefore they had caused this occurrence. These facts reveal that all accused including the applicant, with prima facie premeditated mind, and armed with stick and iron pipes, had trespassed into the house of complainant and had caused him above noted multiple injuries including the head injuries one of which is attributed to applicant. The nature of these allegations and the factum that the recovery of iron pipe is yet to be effected from him, warrant that applicant be not admitted to anticipatory bail lest it results in his escaping the custodial interrogation. Resultantly this bail application is dismissed. Bail application file be consigned to the record room.

Pronounced in open court.

08.12.2020

(Rajeev K. Beri)
Addl. Sessions Judge,
Mansa (UID No. PB-0149)

Tarsem Kumar
Stenographer Grade-III