

IN THE COURT OF RAMAN KUMAR, ADDITIONAL SESSIONS
JUDGE, KAPURTHALA. UID:PB0183.

CNR No. PBKP010034302020



Case No. BA/1681/2020

Presented on : 21-08-2020

Registered on : 25-08-2020

Decided on : 27-08-2020

Jaswinder Kaur aged about 49 years wife of Jasvir Singh R/o village
Hamira, PS Subhanpur, Jagatjit Nagar, Kapurthala.

..... Applicant/Accused

Versus

State of Punjab.

.....Respondent.

FIR No.032 dated 16.08.2020.
U/s 323/324/148/149 IPC lateron added 326 IPC in
FIR No.0111 dated 16.08.2020.
P.S. Subhanpur,
District Kapurthala.

(Bail application under Section 438 Cr.P.C.)

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Present: Sh.Mandeep Singh Teji,Adv.counsel for the applicant/
accused through V.C.
Sh.J.S.Marok, Additional PP for the State, assisted by
Sh.Amardeep Singh,Adv.counsel for the complainant.

ORDER

The present bail application has been filed under Section 438
Cr.P.C. It is submitted by counsel for applicant/accused that the

applicant/accused has been falsely involved and the true facts of the case are that there is personal grudge between the complainant party and the family of applicant/accused and under the said grudge, the complainant of the cross-rapat namely Hardeep Kaur, her husband Sukhdev Singh and her son Amritpal Singh forcibly and illegally entered into the house of the applicant/accused and caused injuries to the son of applicant/accused namely Sukhwinder Singh (complainant of main FIR) and her family members and to this effect, on the statement of said Sukhwinder Singh FIR No.111 dated 16.08.2020, under Section 452, 341,427,323,148,149 IPC was registered at Police Station Subhanpur, District Kapurthala against Sukhdev Singh, Hardeep Kaur (complainant of cross rapat) and Amritpal Singh. In order to put pressure upon the family of the applicant/accused the complainant of the cross rapat Hardeep Kaur inflicted injuries on herself and lodged the false and baseless cross rapat against the applicant/accused and her family members. As per version of the cross rapat, no injury has been attributed to the applicant/accused, which shows that the applicant/accused is innocent in this case. It is further submitted that the applicant/accused is suffering from heart disease. Now, the Police of PS Subhanpur is raiding the house of applicant in order to arrest her, as such the applicant has clear apprehension in her mind that she may be arrested in the present case. The applicant/accused is ready to appear before the I.O. as and when directed by this Court. The applicant/accused will abide by all the terms and condition imposed by this Court and will not misuse the concession of bail.

On the other hand the ld. Additional PP for the State, has contested the instant bail application by advancing arguments. He

submitted that considering the nature and gravity of the offence, the applicant/accused is not entitled for concession of anticipatory bail. Therefore, the bail application may be dismissed, as it would hamper the investigation which is at initial stage and further custodial interrogation of the applicant/accused is also required at this stage. Counsel for complainant Hardeep Kaur in rapat no.32 dated 16.8.2020, also submitted that the accused party is pressurizing Hardeep Kaur and her family members to effect compromise in this case and in this regard injuries to servant of Sukhdev Singh namely Jeetu were also caused by Raman son of applicant/accused and FIR No.113 dated 17.8.2020 was also registered against him.

I have heard the Ld.Counsel for applicant/accused, Ld. Additional PP for the State and have gone through the entire case record.

The present case has been registered on the statement of complainant **Sukhwinder Singh** against Sukhdev Singh, Hardeep Kaur and Amritpal Singh and unknown persons with the allegations that accused persons inflicted injuries to him, his mother Jaswinder Kaur. However, cross-version was also registered vide DDR No.32 dated 16.8.2020 on the statement of **Hardeep Kaur**, wherein she recorded that earlier her husband Sukhdev Singh had allowed Sukhwinder Singh to tie his cattle in their Haveli but lateron he was stopped. **Sukhwinder Singh** son of Jasvir Singh, **Jaswinder Kaur** wife of Jasvir Singh, **Raman** son of Jasvir Singh, **Komal** wife of Sukhwinder Singh, **Reena** wife of Raman and **Sandeep Kaur** alongwith unknown persons

connived with each other and when Complainant Hardeep Kaur alongwith her husband and son Amrit Pal went to their Haveli, then Sukhwinder Singh gave Dattar blow on her right arm, Raman gave Dattar blow on right bicep of her husband. All of them caused injuries with Dattars and Dandas and also abused them. When complainant and her family members raised raula, all the assailants fled away with their weapons and then complainant Hardeep Kaur and her husband were admitted in Civil Hospital, Bholath by their nephew.

As per the allegations made in the cross rapat No.32 dated 16.08.2020, the applicant/accused is found to have connived with co-accused and actively participated in the crime. In cross-version recorded on the statement of **Hardeep Kaur** the offence under Section 326 IPC was added as injury no.2 on her person was declared grievous in nature on receipt of X-ray report. The case is at initial stage and custodial interrogation is sought. No extra ordinary ground is made out to give benefit of pre arrest bail to the applicant/accused. As such, considering the nature and gravity of the offence the applicant/ accused is held not entitled for pre arrest bail as it would hamper the investigation, which is at initial stage. Hence, the bail application in hand stands **dismissed**. Nothing observed above shall have any effect on merit of the case. File of this bail application be consigned to the Judicial Record Room.

Pronounced in open Court.
Dated:27.08.2020.

(Jitendra)

(Raman Kumar),
Addl.Sessions Judge,
Kapurthala. UID:PB0183.
(Duty)