

B.A.No. 1680 dated 28.02.2019.
Date of order: 12.04.2019.
Computer Generated No. 1680/2019.

BAIL APPLICATION U/S 439 CR.P.C

ORDER

1. Heard on the bail application u/s 439 Cr.P.C filed by accused for admitting him on bail.
2. The case arising out of FIR No. 55 dated 27.5.2018, U/ss 307, 323, 324, 354, 148, 149 IPC relating to P.S. Doraha District, Ludhiana has been registered against the accused/applicant alongwith others on the basis of statement dated 27.05.2018 of complainant Didar Singh aged about 25 years s/o Karnail Singh, r/o Ward no.13, PS Doraha got recorded by him with ASI Gurdev Singh, wherein

complainant alleged that he is resident of aforesaid address. Now-a-days he is working in Freeman Factory near old Toll Tax, Doraha. He used to go for his work at 8:00 am and used to return in the evening at 8:00 pm. It was 8:30 pm he and his brother Jaswinder Singh, his cousins (sons of uncle/chacha) Khazan Singh, Simranjit Singh s/o Jagir Singh, Chamkila Singh S/o Sampuran Singh and Dalbara Singh s/o Karnail Singh were standing in the street and they were talking. His sister-in-law (brother's wife) Kulwinder Kaur w/o Chamkila Singh was standing. Then near house of Chamkila Singh, in front of Kamal mobile shop, Kartoos s/o Panna Lal armed with kirpan (sword), Rajan s/o Panna Lal armed with kirpan (sword), Ravi s/o Rohit armed with danda (stick), Laddi s/o Surjit Singh armed with saria (iron rod) and Shankar s/o Sant Ram armed with kirpan (sword), Jyoti s/o Budh armed with kirpan (sword), Panna s/o Sant Ram armed with kirpan (sword), residents of ward no.13, Doraha, P.S. Doraha and Gurdeep Singh @ Kali, r/o Payal were standing there. Kartoos was abusing on mobile. His sister-in-law restrained Kartoos from abusing. Then Kartoos inflicted kirpan (sword) blow on her left hand which hit on little finger of his left hand and his little finger was chopped off from middle. In the mean time Rajan inflicted kirpan (sword) blow with intention to kill on the head of his cousin Simranjit Singh which hit on the middle of his head. In the mean time, Ravi inflicted danda blow to his brother Dilbag Singh which hit on his right elbow, Laddi inflicted kirpan (sword) blow to Chamkila Singh which hit on his left leg, Jyoti

inflicted kirpan (sword) blow to his brother Jaswinder Singh which hit on his left wrist. Panna and Gurdeep Singh @ Kali torn off clothes of his sister-in-law Kulwinder Kaur and dragged her. They raised alarm Maarta- Maarta. On hearing alarm many people gathered at the spot. Then all the aforesaid assailants along-with their respective weapons fled away from the spot. Complainant along-with his brother Dilbag Singh were going to inform the police. The police has met at the gate of police station, where he got recorded his statement. He and his brother are going to Civil Hospital, Payal to get treatment to the injuries suffered by them.

3. On the basis of aforesaid information, the law has been set into motion, case against the accused stands registered and accused caused to be arrested.
4. Learned counsel for accused/applicant has argued that accused/applicant has been falsely implicated in the present case who has not committed any offence. Accused/applicant was named in the FIR but no specific role has been attributed to him. Moreover, no injury had been attributed to him. So much so he was not even present at the spot and now nothing was to be recovered from him. The presentaion of challan as well as conclusion of trial will take considerable time. Further more, applicant was in custody since 18.2.2019 and thus lenient view be taken and applicant be released on bail.
5. On the other hand, learned Addl.P.P for the State has vehemently opposed the arguments advanced by learned counsel for

accused/applicant and argued that present accused/applicant alongwith other persons(non bail applicants) caused injuries on the person of sister in law of complainant which injury was declared dangerous to life. In the last he prayed for dismissal of the bail application filed on behalf of the accused/applicant.

6. I have heard learned counsel for the accused/applicant, learned Addl.P.P for the State and have gone through the entire record carefully with their able assistance.
7. From the aforesaid version of complainant, it is emerged that present accused/applicant Shankar s/o Sant Ram armed with kirpan (sword) and was stated to have been present at the spot and other non bail applicants armed with deadly weapons have inflicted injuries on the vital part of the sister in law of complainant and stated to be chopped of her little finger, non bail applicant Rajan is stated to have inflicted kirpan (sword) blow with intention to kill on the head of his cousin Simranjit Singh which hit on the middle of his head, non bail applicant Ravi is stated to have inflicted danda blow on the right elbow of his brother Dilbag Singh, non bail applicant Laddi inflicted kirpan (sword) blow to Chamkila Singh which hit on his left leg, Jyoti inflicted kirpan (sword) blow to his brother Jaswinder Singh which hit on his left wrist. Panna and Gurdeep Singh @ Kali torn off clothes of his sister-in-law Kulwinder Kaur and dragged her.
8. It is also important to mention here that present accused/applicant is stated to have been declared proclaimed offender on 16.2.2019 and

even case under section 174 A of the Indian Penal Code has also been registered against him.

9. So, keeping in view the totality of the facts and circumstances of the case referred to above and the fact that accused/applicant has already been declared proclaimed offender and involved in serious offences who alongwith others inflicted injuries to complainant party on their vital parts, this court finds that accused/applicant does not deserve to be released on regular bail and his bail application being devoid of any merits is ordered to be dismissed. File be attached with the main case file.

Pronounced:12.4.2019.

KASHMIRA SINGH STENOGRAPHER GRADE.II.

(Rakesh Kumar)

Additional Sessions Judge,
Ludhiana. UID (PB0138)

This order has been directly dictated on the computer.