

BA No.1682 of 2023

CNR No.PBRO-01-006653-2023

Present: Sh.Vishal Singh Rana, Advocate counsel for applicant/accused
Sh. N.P.S Kang Additional Public Prosecutor for State assisted
by counsel for complainant Shri R. S. Sohi Advocate.

ORDER:

1. Arguments on bail application filed by applicant/accused Parminder Singh under Section 439 Cr.PC, for releasing him on regular bail in this case bearing **FIR No. 94 date 13.07.2023 under Section 308, 323, 325, 427 IPC Police Station Nurpur Bedi** heard, Police Record produced and perused.

2. Learned counsel for applicant/accused has argued that applicant/accused has been falsely implicated in this case due to political pressure as applicant is active member of Congress Party. Applicant was having no intention to cause any injury on the person of complainant. It is a case of mere accident. It is further contended by him that applicant/accused is present Sarpanch of village Nalhoti and prior to this tenure his wife namely Smt. Surinder Kaur was elected as Sarpanch of the village. Applicant/accused has been falsely implicated in order to ruin his political carrier. Applicant/accused was arrested on 24.11.2023 and since then he has been in custody. The challan has already been presented against the applicant/accused, the disposal of which will take time. Hence no useful purpose will be served to keep the applicant/accused behind the bar for indefinite period and as such, it is prayed, that applicant/accused may kindly be released on regular bail.

3. On the other hand, learned Additional Public Prosecutor for the State assisted by counsel for complainant Sh. Rajinder Singh Sohi Advocate has argued that applicant/accused is not entitled to get the concession of bail as he in order to kill the complainant Sohan Singh hit his Scorpio Car bearing registration No.PB-12-V-3200 with the motorcycle of complainant bearing registration No.PB-16-C- 9656 make Paltina from the back side with great impact intentionally on 11.07.2023 at about 3:30 PM near Electricity Grid Nalhoti due to which complainant fell down and received serious injuries on his person. Applicant/accused is habitual offender and he has already been convicted in a murder case bearing FIR No.06 dated 30.01.2004 under Section 302, 326, 324, 323, 148, 149 IPC Police Station Nurpur Bedi titled as “State Vs. Manjit Singh and others” vide judgment dated 05.03.2009 and he has been undergoing rigorous imprisonment for life in the said case.. He has also been convicted in another criminal case titled as “State Versus Satish Kumar and others’ bearing FIR No. 153 dated 19.11.2015 under Section 323, 354, 294, 427, 148, 149 IPC and Section 3, 4 of SC/ST Act 1989 Police Station Nurpur Bedi and eight other criminal cases bearing FIR No.12 dated 28.01.2020 under Section 451, 342, 323, 427 IPC etc Police Station Nurpur Bedi, FIR No. 47 dated 01.06.2008 under Section 452, 427, 506, 147, 149 IPC, FIR No. 08 dated 22.01.2010 under Section 458, 380, 427, 148, 149, 120-B IPC Police Station Nurpur Bedi, FIR No. 148 dated 14.11.2010 under Section 323, 324, 341, 307, 148, 149 IPC Police Station Sri Anandpur Sahib, FIR No.49 dated 05.05.2007 under Section 323, 324, 148, 149 IPC Police Station Sadar Rupnagar, FIR No.

38 dated 14.02.2009 under Section 323, 326, 148, 149 IPC Police Station City Rupnagar and FIR No.54 dated 01.05.2019 under Section 323, 341, 506, 148, 149 IPC Police Station Nurpur Bedi are pending against him. Therefore, it is prayed that the bail application moved by the applicant/accused may kindly be dismissed as in case applicant/accused is released on bail he will try to win over the witnesses and to cause hamper during the trial of the case.

4. As per allegations of the prosecution, on 11.07.2023 when the complainant was going to village Bhalaan from his house on motorcycle bearing registration No.PB-16-C-9656 make Paltina and reached near Electricity Grid of village Nalhoti at about 3:30 PM, Parminder Singh applicant/accused Sarpanch of village Nalhoti, with whom complainant has enmity being his main opponent, hit his Scorpio car bearing registration No.PB-12-V-3200 with the motorcycle of complainant from back side with full force with an intention to kill him, due to which complainant Sohan Singh fell on the road along with motorcycle and received grievous injuries on his person. Copy of MLR regarding injuries on the person of complainant Sohan Singh shows that he has received two injuries on his person which are acute pain in left ankle joint, tenderness present, suspected fracture calcaneum bone and superficial laceration on both right and left knee joints. After obtaining the opinion of doctor regarding nature of injuries, offence under Section 325 IPC has been added in this case. Since the applicant/accused hit the complainant from the back side with Scorpio Car with an intention to kill him due to old enmity when the complainant was going on motorcycle as per the allegations of

the complainant, therefore at this stage it can not be said that no offence under Section 308 IPC is made out against the applicant/accused. Moreover, applicant/accused is habitual offender as he has already been convicted under Section 302, 326, 324, 323, 148, 149 IPC in a case titled as “State Versus Manjit Singh and others” bearing FIR No.06 dated 30.01.2004 under Section 302, 326, 324, 323, 148, 149 IPC Police Station Nurpur Bedi vide judgment dated 05.03.2019 and in another criminal case titled as “State Versus Satish Kumar and others’ bearing FIR No. 153 dated 19.11.2015 under Section 323, 354, 294, 427, 148, 149 IPC and Section 3, 4 of SC/ST Act 1989 Police Station Nurpur Bedi vide judgment dated 31.10.2019. Apart from this eight other criminal cases bearing FIR No.12 dated 28.01.2020 under Section 451, 342, 323, 427 IPC etc Police Station Nurpur Bedi, FIR No. 47 dated 01.06.2008 under Section 452, 427, 506, 147, 149 IPC, FIR No. 08 dated 22.01.2010 under Section 458, 380, 427, 148, 149, 120-B IPC Police Station Nurpur Bedi, FIR No. 148 dated 14.11.2010 under Section 323, 324, 341, 307, 148, 149 IPC Police Station Sri Anandpur Sahib, FIR No.49 dated 05.05.2007 under Section 323, 324, 148, 149 IPC Police Station Sadar Rupnagar, FIR No. 38 dated 14.02.2009 under Section 323, 326, 148, 149 IPC Police Station City Rupnagar and FIR No.54 dated 01.05.2019 under Section 323, 341, 506, 148, 149 IPC Police Station Nurpur Bedi are pending against him. The present case was registered against applicant/accused due to the offence committed by him when he was released from jail on parole in the aforesaid criminal case bearing FIR No.06 dated 30.01.2004 in which he has been undergoing life imprisonment

under Section 302 read with 149 IPC as per judgment dated 05.03.2009. Therefore, keeping in view the antecedent of the applicant/accused as well as the gravity of the offence, this Court is of the view that applicant/accused does not deserve leniency to get the concession of bail. Accordingly the bail application moved by applicant/accused stands dismissed. Police record be returned. File of this bail application be consigned to the record room.

Pronounced:

Dated :09.01.2024

(Sham Lal),
Additional Sessions Judge,
Rupnagar
[UID Number : PB0123]