

**In the Court of Dr Ram Kumar Singla,
Additional District and Sessions Judge-II, Kapurthala**

CNR No.
PBKP010064852019



Case No. BA/2323/2019

Presented on : 18-12-2019

Registered on : 19-12-2019

Decided on : 26-12-2019

Buta Singh, s/o Bagicha Singh, aged about 28 years, r/o Village Nawan Murar, PS Subhanpur, District Kapurthala.

.... Applicant/accused.

Versus

State of Punjab.

..... Respondent.

FIR No.184 of 12.12.2019,
U/s 307, 379-B, 353, 186, 332, 333, 148, 149, 120-B of
Indian Penal Code and
Section 22 of NDPS Act, 1985,
Police Station – Subhanpur, District Kapurthala.

Application for bail under Section 439 of Cr.P.C.

Present: Sh. J.S.Kahlon, Advocate for the applicant/accused.
Sh.Shailender Gill, Addl. Public Prosecutor for the State.

O R D E R

Police record has been received and perused. **Arguments have been heard.** This order of mine shall dispose of present regular bail application, moved by above named applicant/accused under *Section 439*

of *Cr.P.C*, pertaining to criminal case registered, vide FIR No.184 of 12.12.2019. The applicant/accused is in custody in this case since 12.12.2019.

2. Brief facts of the present case are that on 11.12.2019, when the police party headed by SI Harjit Singh, Incharge of STF Kapurthala, in connection to check the sale of contrabands, reached at Village Hamira and got information that Harjinder Singh son of Satnam Singh resident of that Village Hamira, was indulged in smuggling of contrabands. On that date i.e. 11.12.2019 at about 04.15 PM, the police party conducted raid at the residence of said Harjinder Singh, whereby the police party witnessed Harjinder Singh, his brother Mithu, Kulwinder Singh, Ranga, Manga, Khandi, Deepa, Pala, Ranjot Singh @ Jodha, Sewa Singh, Kamaljit Kaur, Debo, Charan Kaur, Boota Singh, Satnam Singh, Sukhdev Singh, Tarsem Singh, Baldev Singh found sitting in their courtyard of that residence of Harjinder Singh and they all were found already indulged in sale of contrabands. At the sight of police party, they immediately collected their respective cash with them and assailed upon the police party, whereby Harjinder Singh with intention to kill ASI Santokh Singh gave a blow of *takua* (a sharp edged weapon) at the head of ASI Santokh Singh, one Mithu gave a blow of sickle at the head of HC Sham Singh also with the intention to kill him. The rest of the associates of them also assailed upon the police party with stick and baseball bats and in the meantime, 10-12 more unknown persons while armed with sticks / baseball bats came at

the spot and caused injuries at the persons of all the police officials. One of the assailant Kulwinder Singh snatched .9mm pistol of ASI Onkar Sharma. In that scuffle and while calling the more police, the said place of occurrence was searched out, whereby one kg intoxicant powder, Rs.13,50,260/- drug money and that snatched .9mm pistol were recovered from them. In view of this allegation, the present case was registered against the applicant/accused and his five more associates were arrested on 12.12.2019 and they were sent to judicial custody on 14.12.2019. Aggrieved therefrom, the applicant has sought his regular bail.

3. Learned counsel for the applicant/accused contended that applicant/ accused is in custody since 12.12.2019. He has argued that the applicant/ accused has been falsely implicated in the present case; he is innocent. The recovery stands already effected. With these arguments, he has prayed that the present bail application may kindly be allowed.

4. On the other hand, learned Addl. PP for the State has vehemently and strongly opposed the bail application and argued that there are serious allegations against the accused/ applicant. With these arguments, dismissal of the bail application has been prayed for.

5. To the aforesaid episode of crime, without commenting on merits of the case, but considering the gravity of offence as allegedly committed by the applicant/ accused along with his associates that is a dare devil act not only to be indulged in smuggling of intoxicants, but to assail upon the police that too with intention to kill its officials and to

snatch their weapons, that too further recovery of one kg of intoxicant substance and Rs.13,50,260/- drug money apart from the success of investigation agency to recover their .9mm snatched pistol from the police party from the assailants and the applicant also, that does not warrant the concession of regular bail to him at this stage. The investigation proceedings are still under progress to apprehend the remaining assailants, who all not only threatened the police party with dire consequences, rather caused injuries at their person with intention to kill the police party and also create disturbance in discharge of their official functions.

6. Consequently, the regular bail of the applicant/ accused is dismissed and disposed of at this stage. Police record be returned and this bail application file be consigned to the judicial record room.

Pronounced in open Court.
Dated:26.12.2019.

Kaushal Kumar

(Dr Ram Kumar Singla)
Judge Special Court,
Kapurthala (Duty).
(UID No. PB-0122).