

PBGD010047432020



Presented on : 29-07-2020
Registered on : 29-07-2020
Decided on : 30-07-2020
Duration : 0 years, 0 months, 1 days

*In the Court of Sh. Jatinder Pal Singh Khurmi,
Additional Sessions Judge,
Gurdaspur.*

Bail Application No. 640 of 29.07.2020

Date of Order 30.07.2020

CNR No. PBGD01-004743-2020

CIS No. BA-2321-2020

Setu @ Prem Lata wife of Ranjit Singh, resident of village Kaire, P.S.
Behrampur, Tehsil Dina Nagar, District Gurdaspur.
.... Applicant/Accused.

Versus

State of Punjab.

.....Respondent

FIR No. 0062 dated 03.07.2020

Under Sections 323, 324, 341, 506, 34 IPC & section 326 IPC added
later on.

Police Station Behrampur.

First Bail Application under section 439 Cr.P.C.

Present:Sh. Sahil Kamboj, Advocate, for applicant-accused.

Sh. H.S. Bajwa, Additional PP for the State.

ORDER

1. This order of mine shall dispose of the present bail
application under section 438 Cr.P.C., filed by the applicant-accused Setu

@ Prem Lata, in a case FIR No. 0062 dated 03.07.2020 for the offence punishable under sections 323, 324, 341, 506, 34 IPC & section 326 IPC added later on, Police Station Behrampur, District Gurdaspur.

2. Notice of the bail application was given to the State and police record was also requisitioned.

3. Briefly, the prosecution version for disposal of instant bail application are that the present case was registered at the instance of complainant Ritu daughter of Shakti Kumar resident of village Kaire who stated to the police that on 26.06.2020 at about 7.30 P.M., she was going to her haveli for serving water to the cattle where Kamlesh widow of Surjit Singh armed with datar, Ranjit Singh @ Makhan son of Jagdish Singh armed with baseball, Neetu wife of Ranjit Singh armed with Danda resident of village Kaire were standing outside their haveli and when she reached near the haveli, then Ranjit Singh above said stopped her and raised a lalkara by saying that let she (complainant) be caught hold and should not be spared as they (complainant) demanded the passage from them (applicant-accused) for going to the haveli. In the meantime, Kamlesh wife of Surjit Singh gave her datar blow to her which hit on the calf of her left leg and Ranjit Singh gave two blows of his baseball continuously on her which hit on her back, lips, below the nose and then Neetu wife of Ranjit Singh gave two blows of her danda on her head and neck. Then she raised raula of Mar Ditta Mar Ditta and on hearing her noise her mother Santosh Kumari wife of Shakti Kumar who was working inside the haveli came outside the haveli and they raised raula of

Mar Ditta Mar Ditta and on hearing their alarm people were gathered there and all the assailants fled away from the spot with their respective weapons by giving threats to the complainant. Thereafter, her mother and father after arranging the conveyance got admitted her in Civil Hospital Gurdaspur where she was medically examined and doctor prepared her MLR. On the basis of these allegations, the present FIR has been registered. The accused/applicant was apprehended by the police on 13.07.2020 and since then he is in judicial custody. Being aggrieved from that, the accused/applicant Setu @ Prem Lata has preferred the present regular bail application as per section 439 Cr.P.C.

4. The learned counsel for the applicant/accused has argued that the police of P.S. Behrampur has implicated the accused-applicant and others in the above noted false case under political pressure on account of party faction. Remand papers are pending for 30.07.2020 in the court of Sh. Amandeep Singh Bains, Judicial Magistrate Ist Class, Gurdaspur. The accused-applicant is totally innocent and has not committed any offence, but falsely roped in this false case on account of party faction. The accused/applicant was arrested by the police on 13.07.2020 and since then she is confined in Central Jail, Gurdaspur. There is a delay of eight days in between the alleged occurrence and registration of present false case, which is fatal to the prosecution and possibility of false implication and concocted version in such like delays cannot be ruled out. The applicant has been shown armed with dang and the alleged injury attributed to the applicant is on non vital part of body. Hence, the applicant is not required for any further investigation or recovery. Presentation of challan and

conclusion of trial will take a long time and no useful purpose will be served by detaining the applicant-accused behind bars any more. The applicant has already suffered much more detention. The accused-applicant will not make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the court or any police officer. The accused-applicant is ready to abide by all the terms and conditions of bail which this court may impose upon them. Lastly, prayer has been made for acceptance of the bail application.

5. On the other hand, the learned Addl. PP for the State has opposes the bail application on the ground of gravity of offence and prayed for dismissal of the same.

6. I have heard learned counsel for the applicant/accused, learned Addl.PP for the State through whats app video and have also gone through the record very carefully.

7. As per prosecution version on 26.06.2020 at about 7.30 P.M., she was going to her haveli for serving water to the cattle where Kamlesh widow of Surjit Singh armed with datar, Ranjit Singh @ Makhan son of Jagdish Singh armed with baseball, Neetu wife of Ranjit Singh armed with Danda resident of village Kaire were standing outside their haveli and when she reached near the haveli, then Ranjit Singh above said stopped her and raised a lalkara by saying that let she (complainant) be caught hold and should not be spared as they (complainant) demanded the passage from them (applicant-accused) for going to the haveli. In the meantime, Kamlesh wife of Surjit Singh gave

her datar blow to her which hit on the calf of her left leg and Ranjit Singh gave two blows of his baseball continuously on her which hit on her back, lips, below the nose and then Neetu wife of Ranjit Singh gave two blows of her danda on her head and neck. Then she raised raula of Mar Ditta Mar Ditta and on hearing her noise her mother Santosh Kumari wife of Shakti Kumar who was working inside the haveli came outside the haveli and they raised raula of Mar Ditta Mar Ditta and on hearing their alarm people were gathered there and all the assailants fled away from the spot with their respective weapons by giving threats to the complainant.

8. The defence is that there is delay of eight days in lodging the FIR. The injury attributed to the applicant-accused falls under section 323 IPC. The injury attributed to co-accused is falling under section 326 IPC is on the calf of the left leg. Looking into the injuries and that incarceration period of custody of the accused-applicant in jail and she is also a lady. Presentation of challan and conclusion of trial will take a considerable time. No useful purpose would be served by detaining the accused-applicant behind the bar for indefinite period. Hence, the bail application of the accused-applicant is allowed. In **Ishu Grover @ Ishu @ Gollu Vs. U.T. Chandigarh and another decided on 30.03.2020 in CRM-M-11952 of 2020 (O&M) by Hon'ble High Court** it has been directed not to enforce surety bonds at the time of grant of bail. It is further directed that accused should be released on personal bonds and should surety bonds when the situation becomes normal. As such, applicant is directed to be released on her furnishing personal bond in the sum of Rs. 50,000/- before Trial Court/Duty Judge. The accused shall

furnish surety bond to the satisfaction of Trial Court/Duty Judge shall be submitted on or before 14.10.2020 as the situation in the country is paralyzed due to corona virus.

9. However, anything said or observed above are only for disposal of the present bail application and shall have no bearing effect on the merits of the main case.

10. Police record returned and the instant bail application file be consigned to the record room.

Pronounced in open court
Dated: 30.07.2020
Shiv Kumar Stenographer Gr.1

(Jatinder Pal Singh Khurmi)
Additional Sessions Judge,
Gurdaspur. UID No. PB0057

Dictated on :30.07.2020
Transcribed on: 30.07.2020
Checked on : 30.07.2020.
Signed on : 30.07.2020

(Jatinder Pal Singh Khurmi)
Additional Sessions Judge,
Gurdaspur. UID No. PB0057