

**IN THE COURT OF RAVI GULATI
ADDITIONAL SESSIONS JUDGE, GURDASPUR**

CIS No. BA-1696-2024
CNR No. PBGD010041632024
Date of Order 20.05.2024

PBGD010041632024



Sukhwinder Kaur aged about 41 years wife of Sukhraj Inderjit Singh
resident of village Kotla Nawab, Tehsil Batala, District Gurdaspur.

.....Accused/Applicant.

Versus

State of Punjab.

.....Respondent.

**GD No.48 dated 05.12.2023
(IN FIR No. 327 dated 05.12.2023
U/S 323/324/325/326/341/506/148/149 IPC
Police Station: Civil Lines Batala.**

First Application for bail under Section 438 Cr.P.C

Present:Sh. Kamal Masih Khokhar Advocate for accused/applicant.
Sh. Tejinder Pal APP for the State.

ORDER

Present bail application has been filed by
accused/applicant Sukhwinder Kaur wife of Sukhraj Inderjit Singh
seeking anticipatory bail under section 438 of Cr.P.C. She has also
furnished her affidavit to the effect that this is the first bail
application filed by her under section 438 Cr.P.C. Ahlmad of this
court has also reported that no other bail application is pending in
any court or decided by any court in the present FIR.

2. Upon notice, learned APP put in appearance on behalf of State and contested the bail application. Police record was called which has been received and perused. ASI Jatinderpal Singh No. 3266/BTL, P.S. Civil Lines Batala has appeared along with record and suffered statement that no other bail application of the accused/applicant in DDR No. 48 dated 05.12.2023 registered as cross version to FIR No.327 dated 05.12.2023, P.S. Civil Lines Batala is pending in any court or decided by any court. He further submitted that offence under section 326 IPC has been added in this DDR.

3. Learned counsel for the accused/applicant filed application seeking permission to correct GD No.48 dated 05.12.2023 instead of GD No.53 dated 27.12.2023 in the head note of the bail application which is considered and allowed. Amended title of the bail application has also been filed. Learned counsel for the accused/applicant submitted that accused/applicant is innocent and has been falsely implicated in present cross case. He argued that only simple injury has been attributed to the accused/applicant and since it is a cross version case, it is yet to be decided during trial as to which party acted an aggressor. He further submitted that however the accused/applicant is ready to join the investigation. Therefore, he prayed that the present accused/applicant be granted pre-arrest bail.

4. On the other hand, learned APP for the State opposed the bail application contending that the allegations against the present accused/applicant are serious in nature as he along with her other co-accused caused simple as well as grievous injuries to the complainant and her custodial interrogation is required to carry out the investigation. Thus, he prayed for dismissal of the bail application.

5. After hearing both the sides and after going through the record, this court finds that admittedly one FIR No.327 dated 05.12.2023 was registered against Simarjot Singh, Lovely and others on the statement of Sukhraj Singh and later on DDR No. 48 dated 05.12.2023 was registered as cross version on the statement of Lovely wife of Ajaypal Singh. As per the contents of the DDR, it has been alleged that there was family dispute between the parties and on 28.11.2023 at about 9:15 AM, her brother in law Sukhraj Inderjit Singh armed with gandassi, accused/applicant Sukhwinder Kaur armed with Sota, Gurbinder Singh armed with dattar, Sunna @ Gursharan Singh armed with baseball slugger and other unknown persons came in her land and they attacked her. The injury attributed to the present accused/applicant is simple in nature being caused with Sota whereas one of the grievous injury was also suffered by the complainant Lovely by means of gandassi on her wrist attributed to Sukhraj Inderjit Singh.

6. In the backdrop of these facts, this court finds that there is delay of seven days in the registration of the main FIR as well as the present DDR. Admittedly there are allegations that both the parties had received injuries in the alleged occurrence dated 28.11.2023. Therefore, it cannot be ascertained at this stage as to who was the aggressor party and it would be the moot point to be decided during the course of trial. Considering the nature of allegations, the nature of injury attributed to the accused/applicant and other facts and circumstances as mentioned above, this court is of the opinion that investigation can be carried out without making arrest of the accused/applicant and his custodial interrogation is not required. Therefore, without commenting upon the question of his culpability or non culpability, accused/applicant is hereby granted interim bail till 24.05.2024 and she is hereby ordered to appear before the Investigating Officer and to join the investigation on or before 24.05.2024, subject to the following conditions that:-

1. That she shall not hinder the ongoing investigation and cooperate with the same;
2. That she shall not leave the country without prior permission of the Court;
3. That she shall not make any threat, promise or inducement to any person conversant with the facts of the case to dissuade him/her from disclosing the truth to the Court or police;
4. That she shall join the investigation as and when asked by the investigating officer,
5. That she shall cooperate with investigation in the matter of present case subject to the fulfillment of Section 438(2) Cr.P.C.

However, observations made hereinabove shall have no effect on the merits of the case. Police record be returned and now to come on 27.05.2024 for report and consideration.

Pronounced in open court.
Dated:20.05.2024.
Shiv Kumar, Stenographer-I

(Ravi Gulati)
Additional Sessions Judge,
Gurdaspur(UID No.PB0242)