

**IN THE COURT OF MS. JATINDER KAUR,
SESSIONS JUDGE, FAZILKA (UID No. PB0062).**

CIS NO. BA/233/2024.

Date of Instt: 29.01.2024.

CNR No. PBFZC0-000626-2024.

DATE OF ORDER: 31.01.2024.

Baldev Raj age 51 years son of Hukam Chand resident of village Shajrana
Tehsil & District Fazilka.

----Applicant-accused.

Versus

State of Punjab

-----Respondent

Application for bail u/s 439 Cr.P.C. in FIR no. 109 dated
19.11.2021 under sections 325, 324, 323, 34 IPC (Sections
326, 201 IPC enhanced later on) P.S. Khui Khera.

Present: Sh. Manohar Lal Dhamu Advocate counsel for applicant.
Sh. Wazir Kamboj, Addl. P.P. for the State-respondent.

ORDER

This order of mine shall dispose off 2nd regular bail application
U/S 439 Cr.P.C. moved by the above named applicant-accused in the above
noted FIR. The first regular bail application moved on behalf of applicant
was dismissed as withdrawn vide order dated 23.01.2024 passed by this
Court.

2. The brief facts leading to the filing of the present bail
application are that FIR in this case was got registered on the statement of
Smt. Krishna Rani wife of Sukhdev Raj resident of village Shajrana stating
that she is a house hold lady. Her marriage took place about 17 years ago
with Sukhdev Raj son of Hukam Chand resident of village Shajrana. She is
having two daughters namely Simran age about 10 years and Rimple Rani
age about 07 years. After sometimes of the marriage, her husband used to
quarrel with her and to cause her beatings and in this regard, Panchayats
were convened many a times. When her husband did not mend his ways,

Jatinder Kaur, Sessions Judge, Fazilka. 31.01.2024.

she moved an application before Women Cell, Fazilka, but to no effect. Thereafter, she filed a maintenance petition and also filed a case for taking share in the property, which are pending. As per directions of the Court, she along with her daughters started residing in a residential room in her matrimonial home, but her husband again started quarreling with her. On 09.10.2021 at about 11.30 am, when she along with her daughter Rimple Rani was present in the room, her husband came in the room and started quarreling with her and directed her to go out of his house. On the same day at about 9.30 pm, when after taking dinner, she along with her daughter was sleeping in the room, her husband Sukhdev Raj armed with kapa and her Jeth Baldev Raj came in the room and started giving him fist and kick blows. Her husband gave kapa blow from its reverse side hitting her 2nd, 3rd, 4th and 5th finger of right hand. Then after switching off the fan, her husband started pressing her neck with the help of electric wire. Her *jeth* caught hold her from her legs and caused her injuries. Then two unidentified persons came there, but they did not cause any injury to her. When she raised alarm of *mar-ditta*, *mar-ditta*, her daughter Rimple Rani woke up and started weeping. Hearing her *raula* and seeing the excessive blood oozing out from her hand, both the assailants took to their heels along with their respective weapons. Then she made a telephonic call to her brother Surinder Kumar, who arranged for a conveyance and got her admitted in Civil Hospital, Fazilka. The motive behind the occurrence was that her husband is having extra marital relations with a woman and now her husband has performed second marriage with her and that lady is residing with her husband and on her resistance, accused persons caused her injuries. A request was made for taking action against the culprits. The regular bail application filed by accused under Section 437 Cr. P.C has already been dismissed by the Court of learned Illaqa Magistrate vide order

dated 21.12.2023.

3. Notice of the bail application was given to State. Learned Addl. P.P. appeared on behalf of State and contested the same for the State.

4. This Court has heard the contentions raised by learned counsel for the applicant as well as learned Addl. P.P. for the State and have also perused the record of the case.

5. The learned counsel for the applicant-accused contended that the applicant-accused is in judicial custody since 11.12.2023 and he has been falsely implicated in the present case. Learned counsel further contended that as per contents of FIR, no injury is attributed to the accused-applicant and alleged injuries are also self inflicted injuries. The FIR was got lodged by the complainant in a planned manner to falsely involve the applicant-accused. He further contended that initially, rapat no. 31 dated 10.10.2021 was recorded under sections 323, 34 IPC and thereafter, FIR was got registered under sections 325, 323, 34 IPC and later on, offence under sections 325 IPC was deleted and offences under sections 324, 326, 201 IPC were enhanced, which also shows falsehood of the present FIR. Main accused Sukhdev Raj has already been released on bail. Nothing is to be recovered from the applicant-accused. The applicant undertakes to appear on each and every date of hearing and shall not leave the country without its prior permission and shall not tamper with prosecution evidence. The conclusion of trial shall take long time and prayer was made for acceptance of the present bail application.

Whereas, on the other hand, learned Addl. P.P. for the State opposed the present bail application. He has contended that accused-applicant along with his co-accused Sukhdev Raj (husband of complainant) has committed the serious offences by causing injuries to a hapless lady

and at that time, Sukhdev Raj (i.e. non-applicant) was carrying a kapa and caused injuries to complainant on her 04 fingers of right hand. He further contended that applicant gave fist and kick blows upon the complainant and also caught hold her from her legs and caused her injuries and thus he does not deserve the benefit of bail and prayed for the dismissal of bail application.

6. This court has considered the rival contentions of both the sides. The applicant is in judicial custody since 11.12.2023 i.e. for the past more than 1½ month. Main accused Sukhdev Raj has already been released on bail. Moreover, the conclusion of trial shall take long time. No useful purpose shall be served by detaining the applicant in jail for an indefinite period. So, on the basis of parity and as the allegations levelled against the applicant are not suffice for his detention in the jail till the conclusion of trial. So, in these circumstances, it is a fit case where the benefit of regular bail must be given to accused-applicant.

7. Resultantly, the application succeeds and is, hereby, accepted. The accused/applicant is admitted to bail on his furnishing personal bonds in the sum of Rs.1,00,000/- (Rupees One Lakh only) with one surety of the like amount before the Illaqa Magistrate/Duty Magistrate/Trial Court. Applicant shall appear in the court on each and every date of hearing; shall not tamper with the prosecution evidence and shall not leave India without its prior permission. The observation made here above shall have no effect on the merits of the case. Bail Papers be consigned to the record room after due compilation. Police record be returned. Sd/-

Pronounced.
Dated: 31.01.2024
(Sanjeev Narang)
(Stenographer Gr. II)

(Jatinder Kaur),
Sessions Judge,
Fazilka (UID No. PB0062)

BA 233 of 2024 Baldev Raj versus State of Punjab
CNR No. PBFZC0-000626-2024

Present: Sh. Manohar Lal Dhamu Advocate counsel for applicant.

Upon notice, Shri Wazir Kamboj, Addl. PP appeared on behalf of respondent-State.

Heard. Report of Ahlmad perused. Vide my separate & detailed order of today, the bail application u/s 439 Cr.P.C. applied on behalf of aforementioned applicant-accused has been disposed off.

Bail application file be consigned to the Record Room, Fazilka, after due compilation. Sd/-

Pronounced.
Dated: 31.01.2024
(Sanjeev Narang)
(Stenographer Gr. II)

(Jatinder Kaur),
Sessions Judge,
Fazilka (UID No. PB0062)