

**IN THE COURT OF SH. DEVINDER KUMAR GUPTA,
ADDITIONAL SESSIONS JUDGE, S.A.S. NAGAR, (MOHALI).
UID NO. PB00520**

(1) B.A. No. 238 of 12.06.19/02.07.19
CIS no. 1422 of 2019
CNR No. PBSA01-005181-2019
Decided on.02.07.2019

Tarlochan Singh aged about 50 years son of Seetal, resident of Village Chandpur, Police Station Block Sialba Majri, District SAS Nagar, (Mohali).

.....Accused/Applicant.
Versus.
State of Punjab

.....Respondent.

(2) B.A. No. 240 of 12.06.19/02.07.19
CIS no. 1424 of 2019
CNR No. PBSA01-005182-2019
Decided on.02.07.2019

Dalvir Singh aged about 40 years son of Ruldu Gir, resident of Village Chandpur, Police Station Block Sialba Majri, District SAS Nagar, (Mohali).

.....Accused/Applicant.
Versus.
State of Punjab

.....Respondent.

(3) B.A. No. 237 of 12.06.19/02.07.19
CIS no. 1427 of 2019
CNR No. PBSA01-005183-2019
Decided on.02.07.2019

Pollingjit aged about 55 years son of Seetal, resident of Village Chandpur, Police Station Block Sialba Majri, District SAS Nagar, (Mohali).

.....Accused/Applicant.
Versus.
State of Punjab

.....Respondent.

(4) B.A. No. 241 of 12.06.19/02.07.19

CIS no. 1428 of 2019
 CNR No. PBSA01-005184-2019
 Decided on.02.07.2019

Bhupinder Singh aged about 47 years son of Ruldu Gir, resident of Village Chandpur, Police Station Block Sialba Majri, District SAS Nagar, (Mohali).

.....Accused/Applicant.

Versus.

State of Punjab

.....Respondent.

(5)

B.A. No. 239 of 12.06.19/02.07.19
 CIS no. 1429 of 2019
 CNR No. PBSA01-005185-2019
 Decided on.02.07.2019

Parveen Kumar aged about 30 years son of Naib Gir, resident of Village Chandpur, Police Station Block Sialba Majri, District SAS Nagar, (Mohali).

.....Accused/Applicant.

Versus.

State of Punjab

.....Respondent.

FIR no. 30 dated 18.04.2019
 under Sections: 307, 452, 364, 342, 323, 324, 341, 511, 506,
 382, 148, 149 IPC
 P.S. Block Majri, District S.A.S. Nagar, (Mohali).

Bail applications under Section 438 C.P.C

Present: Sh. Lovedeep Sareen, Advocate, counsel for the accused / applicants
 Sh. S.S. Sahota, Addl. PP for the State.

ORDER:

1. By this order, this court would dispose of all the bail applications for grant of anticipatory bail mentioned above, as the applications have arisen out of the same FIR.

2. Notice of the bail application was issued to the state and

record was requisitioned and perused.

3. The instant FIR has been registered on the statement of complainant Mihan Singh, who stated that he is Sarpanch of Village Chandpur. On 18.04.2019, he was coming towards his home from his field after taking Barsin on motorcycle-rehri. In the meantime, Gurwinder Singh son of Jarnail Singh, Tarlochan Singh son of Sital Gir, residents of Village Chandpur were trying to stop him, but they could not succeed in their evil design as the complainant fled away from there and has entered in his house after leaving his motorcycle-rehri outside the house. At about 7:45 AM, Gurwinder Singh armed with Gandasi, Tarlochan Singh (accused/applicant) armed with Salga, Bhupinder Singh (accused/applicant) armed with Gandasi, Dalvir Singh (accused/applicant) armed with Gandasi, Karan armed with Velcha, Sandeep Kumar armed with Danda, Gurcharan Singh armed with sword, Major Singh armed with Danda, Shubham Gir armed with Gandasi, Lakhwinder armed with Danda, Balwinder Singh alias Keema armed with Kirch, Bagga armed with Sua (weapon for cutting ice), Parveen Kumar (accused/applicant) armed with Danda, Pollingjit (accused/applicant) armed Danda, Money armed with Danda, Gaggi armed with Danda, all residents of Village Chandpur entered in his house and Gurwinder Singh raised lalkara "chak lau." Thereafter, all the accused entered in his house and accused Pollingjit gave danda blow, which landed on his head. Due to which, he fell down on the ground and thereafter, Gurwinder Singh gave Gandasi blow on his right feet and Bhupinder Singh gave Gandasi blow on his left shoulder. Thereafter, he was lifted by all the said accused and on the way,

his uncle Hakam Gir and Avtar Singh was trying to save him from the clutches of accused and the said accused have also caused injuries to his Hakam Gir and the said Avtar Singh. Thereafter, all the said accused took him to the house of Dalvir Singh with an intention to kill him. They confined him in a room of the said house. Thereafter, his brother Tarlochan Singh who returned from his duty and who was also having a licensed rifle tried to save him and the accused Bhupinder Singh snatched rifle of his brother and also caused injuries to his brother. Thereafter accused Gurwinder Singh raised a lalkara that he should be killed. Then accused Money gave a Danda blow on his head, which landed on his left eyebrow. Due to which, he fell down and accused Dalvir Singh gave Gandasi blow, which landed on his left feet, accused Gaggi gave Danda blow, which landed on his left arm. Accused Tarlochan Singh gave Sulga blow, which landed on his left leg, accused Parveen Kumar gave Danda blow, which landed on his left thigh. Thereafter, he fell unconscious. Thereafter, the accused confined him in the room and bolted the door from outside. Thereafter, some person informed the police by calling at 100 number. Police reached at the spot and saved him. His family members and other persons got admitted him, his brother Tarlochan Singh, uncle Hakam Gir at Civil Hospital, Kurali. The concerned doctor referred his uncle to GMCH, Sector-16, Chandigarh. On the basis of his statement, the police recorded the present FIR.

4. Dalvir Singh in cross-version also suffered statement that on 18.04.2019 at about 7:30 AM, accused Mihan Singh armed with sword, accused Tarlochan Singh armed with rifle, Mandeep armed with Gandasi

and Gurcharan Singh armed with Lathi (stick) entered his house and told him to withdraw the litigation which is pending before the Hon'ble High Court with regard to his daughter, otherwise, he will be killed. When he refused to withdraw the case, then accused Mihan Singh gave sword blow, which landed on his head and they also beat him. When his wife Charanjit Kaur came forward to save him then the accused Mihan Singh also torn her clothes and also slapped to her. He raised alaram "mar dita mar dita" and on hearing his cue and cry, his nephew Shubham Gir came forward to save him, then accused Sunil Kumar, Sushil Kumar, Jagtar Singh alias Jaggi, Som Lal, Tara Singh, Jiwan, Hakam Gir, Bhupinder Singh alias Garja, Jit Gir alias Bhundi, Binder, Ranjit Singh and Raman armed with Lathis (sticks) attacked upon them and also caused injuries to his nephew Shubham Gir. Then his brother Bhupinder Singh, cousin brother Tarlochan Singh and his sister-in-law Pal Kaur came forward to save them. Above accused caused injuries to them also. Accused Tarlochan Singh loaded his rifle and fired but in the meantime, Bhupinder Singh moved the rifle towards the sky and fired gone in the air. Thereafter, his brother Bhupinder Singh snatched the rifle from Tarlochan Singh. People of entire village gathered there and all the accused fled away from the spot after giving threats of life. They confined accused Mihan Singh in the house. On the basis of the statement of complainant the cross case was also registered by the police against the complaint party.

5. The learned counsel for accused/applicants argued that accused/applicants are quite innocent and have been falsely implicated in the above noted case by the police. He further argued that this a cross-

version case recorded on the statement of Dalvir Singh. He further argued that both the parties are alleging injuries against each other. He further argued that no injury or any over act is attributed to the accused/applicants and nothing is to be recovered from them. They are ready to join the investigation. So, they be released on anticipatory bail.

6. Per contra, learned Addl. P.P for the State has vehemently opposed the bail application on the ground that there are serious allegations against the accused/applicants. Hence, keeping in view the gravity of the offence, their anticipatory bail application may be dismissed.

7. After giving thoughtful considerations to the rival and going through the record, this Court is of the considered view that the present bail applications deserve dismissal as the accused/applicants are specifically named in the FIR by the complainant/injured. The injury no.3, 4 and 5 on the person of Mihan Singh have been opined to be caused with sharp weapon. The injury no. 1, 2, 6, 7, 8, 9, 10 on the person of Mihan Singh have been opined to be caused with blunt weapon. The injury no. 9 and 10 were declared to be simple in nature. The injury no. 1 and 2 on the person of Tarlochan Singh have been opined to be caused with blunt weapon. The injury no.3 on the person of Tarlochan Singh has been opined to be caused with blunt weapon. Further the nature of remaining injuries is yet to be opined which have been kept under observation for x-ray report. The recovery of weapons of offence is still to be effected and co accused are still at large. The case is still at the stage of investigation. The plea of false implication, as now raised on their behalf, can only be

ascertained by appreciating the evidence to be adduced during the course of trial. Custodial interrogation of the applicants is required to unravel the truth and recovery. Thus, considering the nature of allegations, at this stage, no exceptional circumstance is made out for grant of anticipatory bail to the accused/applicants. Consequently, bail applications filed by accused/applicants stands dismissed. Police file be returned. File be consigned to the record room.

Pronounced:
02.07.2019

(Devinder Kumar Gupta)
Addl. Sessions Judge.
S.A.S. Nagar, (Mohali).
(UID No.PB00520)

Bhupinder Singh
Stenographer-III