

**IN THE COURT OF MS. SONIA KINRA,
ADDITIONAL SESSIONS JUDGE, MOGA.
UID no.PB-0176**

CIS No. BA 1415 of 2020
CNR No.PBMO010029392020
Date of Order: 11.8.2020

State

Versus

1. Surjan Singh aged about 56 years.
2. Shinder Singh aged about 70 years
sons of Jagir Singh
3. Jit Singh @ Jagmit Singh, aged about 19 years
4. Gurdeep Singh aged about 23 years sons of Surjan Singh
all residents of Bukkan Wala Road, Moga, Tehsil and District
Moga.

~~ Petitioners.

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**Application under Section 439 Cr.PC.**

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Present: Sh.Gagandeep Singh Brar for petitioners-accused
(through VC).
Sh.Kuldeep Sahni, Addl.PP for State along with Sh. Vardan
Garg Advocate assisting on behalf of complainant (through
VC).

O R D E R

Virtual Court Room set up through Vidyio App. File put up before me being Duty Judge in view of prevailing situation due to outbreak of Novel Coronavirus COVID-19. Learned counsel for the petitioners and learned Addl.PP for the State are online. Relevant record perused through Video Conferencing.

2. Heard on the bail application moved by petitioners Surjan Singh, Shinder Singh, Jit Singh @ Jagmit Singh and Gurdeep Singh for releasing them on bail in FIR no. 78 dated 16.5.2020, under Sections 325, 323, 506, 148, 149 IPC (Sections 307 and 308 IPC added lateron), P.S. City South, Moga.

3. Learned counsel for the petitioners present through video conference has argued that the petitioners have been falsely nominated in the present case. There are two injuries on the person of Puran singh co-accused and the injury on his head has been declared as grievous.

Petitioners Lachhman Singh and Ram Singh also sustained injuries on their heads and as it is a cross-case, it has to be ascertained as to which party is aggressor. The injuries attributed to the petitioners are simple in nature. Only the injury on the person of Krishan Singh attributed to Puran Singh co-accused. Moreover, the enhancement of offences under Sections 307 and 308 IPC has been there after two months which reflects that the petitioners and other persons have been implicated falsely. Hence, he prayed for grant of regular bail to the petitioners.

4. On the other hand, the learned APP for the State along with Sh. Vardan Garg Advocate assisting on behalf of complainant present through video conference has argued that the petitioners along with their companions caused injuries to six persons with different deadly weapons including Kohari, Gandasi, Dang, Kirpan, Takua etc. He has further contended that due to Pandemic situation, the receipt of the report from Government Hospital, Faridkot was delayed and thus, there was delay in the enhancement of the offences but the petitioners and other persons have not been falsely implicated. Rather, they have given numerous injuries to six persons on various part of body including head with deadly weapons and thus, prayed for dismissal of the bail application.

5. FIR was registered on the statement of Jagdev Singh son of Chotu Singh to the effect that he is labourer and his father are six brothers, namely, Jamma Singh, Cheru Singh, Banta Singh, Piara Singh, Shinder Singh, Surjan Singh. They have dispute over one acre of land at village Mange Wala. On 13.5.2020, his paternal uncles Surjan Singh and Shinder Singh along with their sons Ram Singh, Puran Singh, Lachman Singh sons of Shinder Singh, Gurpreet Singh, Gurdeep Singh, Jit Singh sons of Surjan Singh came on a 'Chhota Hathi' bearing registration no. PB 29H-8953 along with the weapons at about 6:00 a.m. They were raising lalkaras to the effect that they were going to the fields at village Mange Wala and if anybody wanted to entangle, could come there. They kept mum and at about 12:00 noon, he along with his brother Krishan Singh, his son Balbir Singh, his nephew Prabhjot Singh and his father Chotu Singh along with the ladies of their house were sitting under the tree and talking to each other. Then his nephew Mahavir Singh son of Baldev Singh who had come to have lunch went inside the house in a bathroom to wash his face and legs. In the meantime, all the persons

returned back in a vehicle and went inside the house of Surjan Singh. After 2 to 3 minutes, they all along with their ladies, namely, Jarnail Kaur, Veerpal Kaur, Kaka Kaur, Jassi, Mangu Singh, Veerpal Kaur wife of Mangu Singh, all residents of Street no.3, near 'Dharampal Di Chakki', Bukkan Wala Road, Moga came out. Mangu distributed the weapons lying in the vehicle and gave gandasi to Shinder Singh, Takua to Surjan Singh, Gandasi to Ram Singh, Kohari to Puran Singh, Kirpan to Lachman Singh, Kirpan to Gurpreet Singh, Gandasi to Gurdeep Singh, Kohari to Jit Singh, Dang to Jarnail Singh, Dang to Veerpal Kaur wife of Shinder Singh, Dang to Kaka Kaur, Kohari to Jassi, Gandasi to his wife Veerpal Kaur and he himself was armed with Kirpan. Lachman Singh who had consumed liquor raised lalkara to end the dispute for ever and to attack upon the complainant party. On this, all the accused persons attacked upon them. Kaka Kaur and Jassi caught hold of his brother Krishan Singh, Puran gave a blow with reverse side of Kohari on his head, Gurpreet gave a blow with reverse side of Kirpan below right elbow, Jarnail Singh and Veerpal Kaur caught hold of his father Chotu Singh, threw him on the ground. Mangu gave a reverse blow of kirpan on his head. Then Veerpal Kaur gave a gandasi blow on middle finger of his left hand. Jarnail Kaur gave blow with dang on his right thumb. When he tried to escape his father, then Jeet Singh gave a blow with reverse side of Kohari on right side of his head. His son Balvir Singh stepped forward to save him. Then Surjan Singh gave a blow with reverse side of Takua on his head. When his nephew Prabhjot Singh came forward to save them, then Ram Singh gave a blow with reverse side of Gandasi on his head. They raised the alarm of "marditta, marditta" and the accused persons while leaving went inside their house and caught hold of Mahavir, his nephew, Shinder Singh gave blow with reverse side of Gandasi on his head, Lachman gave blow with reverse side of kirpan below left elbow. Gurdeep gave a blow with reverse side of Gandasi on his waist. Gurpreet Singh, Puran Singh and Lachman etc by dragging him brought outside and gave beating. While threatening, they left the spot on a vehicle. They arranged for a vehicle and went to Civil Hospital, Moga for treatment from where his brother Krishan Singh was referred to Medical College, Faridkot.

6. Numerous injuries have been caused to six different persons with deadly weapons like Kohari, Kirpan, Gandasi, Dang, Takua etc. The

argument of learned counsel for the petitioners that the accused have been falsely implicated as offences under Sections 307 and 308 IPC were added later on after about two months is not forceful as it has been explained by learned APP for the State that injured Krishan Singh was taking treatment in the Government Hospital, Faridkot but due to pandemic situation, his report was received later and therefore, the offences under Sections 307 and 308 IPC were added later on. Even the argument of learned counsel for the petitioners that it is a cross case and the aggressor party has to be ascertained is not a ground for bail at this stage. The Investigation is in progress and release of the petitioners at this stage will hamper the same. Thus, keeping in view the gravity of the offence, the petitioners are not entitled to the concession of bail at this stage. Hence, the same is dismissed.

Pronounced:-
Date of order: 11.8.2020
(Sanjeev Kumar, Stenographer -II)

(Sonia Kinra),
Addl. Sessions Judge,
Moga. (UID No.PB-0176)