

IN THE COURT OF SH.DINESH KUMAR,
ADDITIONAL SESSIONS JUDGE,
(UID:PB0445)
MANSA.

Bail application No.565 dated 29.09.2021
CNR No.PBMN01-005663-2021
CIS No.BA/1427/2021
Date of Order: 30.09.2021

Kamaljeet Singh age 19 years son of Buta Singh, resident of Bareta,
Tehsil Budhlada, District Mansa.

Applicant-accused.

Versus

State of Punjab

FIR No.42 dated 03.04.2021,
U/Ss 323/458/307/427/506/148/149 IPC
PS Bareta, Mansa.

Application for grant of bail under Section 438 Cr.P.C.

Present: Sh.Aneesh Jindal, Learned Advocate for applicant/accused.
Sh.Jasvir Singh, Learned Additional PP for State.

ORDER

1. This order of mine shall dispose of anticipatory bail application moved by applicant/accused in case FIR No.32 dated 03.04.2021, U/Ss 323/458/307/427/506/148/149 IPC, PS Bareta, Mansa.

2. The FIR has been lodged on the statement of complainant Ravi Sharma in which he alleged that on 02.04.2021, at about 8.30 pm, he and his brother were present in the courtyard of their house. His parents were inside the house. At that time, three vehicles, one esteem car and two XYLO cars stopped in front of the gate of their house. There were approximately 15 persons on the aforesaid vehicles and they were armed

with rods, baseballs, sticks and other weapons. 7/8 persons entered in their house. Mongli alias Lambu was armed with iron rod, Sherry was armed with iron rod, Sahil alias Sanju was armed with baseball, Shishpal was armed with iron rod and other unknown persons entered in his house and started giving beating to them. Mogli alias Lambu raised lalkara to teach lesson to complainant. Mogli alias Lambu gave rod blow on the posterior side of the head of the complainant. Shishpal gave iron rod blow on the right ear of the complainant. Upon which, complainant's brother Deepak came forward. Sahil gave iron rod blow on the posterior side of the head of Deepak. Shishpal gave baseball bat blow on the complainant and he raised left arm to ward off the blow, however blow landed upon elbow. They raised alarm of Marta Marta. The parents of the complainant came outside and they made efforts to rescue them. The aforesaid accused gave beatings to them. Thereafter, all the accused fled away from the spot with their respective weapons. The name of the applicant was not mentioned in the FIR and he was nominated in the present case lateron. Challan was presented in the Court against accused Shishpal Shary and Kuldeep Singh alias jeeti however, challan against Mongl, Sahil and Kamaljeet Singh was not presented as they evaded the arrest. On the request of the investigating agency, the learned trial court issued non bailable warrants against applicant/accused Kamaljeet Singh and thereafter, proclamation proceedings were initiated against him. Apprehending his arrest, applicant has filed the present bail application.

3. Shri Aneesh Jindal, learned counsel for the applicant has argued that name of the applicant/accused was not mentioned in the FIR

and he has no concern with the facts of the present case. He further argued that no offence under section 307 and 458 IPC is made out and aforesaid sections have been added to enhance the gravity of the offence in order to help the complainant's party. He further argued that applicant has not received any summons or warrants issued by the learned trial court. Investigating Officer did not visit the house of applicant any point of time. Applicant came to know about his implication in the present case two days ago and he is ready to join the investigation. With these submissions, he prayed for grant of concession of anticipatory bail to the applicant/accused.

4. Per contra, Shri Jasvir Singh, learned Addl.PP for State has argued that there are serious allegations against the applicant/accused though his name was not mentioned in the statement of the complainant. He further argued that applicant did not appear before the investigating agency despite the issuance of notice. Learned trial court has rightly issued the proclamation proceedings against him and he is not entitled for concession of bail. With these submissions, he prayed for dismissal of the present bail application.

5. I have considered the rival contentions of both sides and perused the record.

6. In the statement of the complainant, four accused namely Mongli alias Lambu, Sharry, Sahil and Shishpal were nominated as accused. Allegedly, 7/8 unknown persons mounted attack upon the complainant and his family members. Applicant has been nominated in the present case later-on. The veracity of allegations is to be verified after

the culmination of trial. Learned trial court has issued the process for procuring the presence of the accused. He is ready to appear before the Court. Accordingly, applicant is directed to surrender before the learned trial Court within 10 days of the passing of this order and in the event of his appearance, the learned trial court shall release him on bail subject to its satisfaction. Needless to mention here that applicant shall join the investigation as and when required by the investigating agency, he shall appear in the court on each and every date of hearing and he shall not tamper with the prosecution evidence in any manner. Consequently, present bail application stands allowed. Record along with copy of this order be sent back. File be consigned to the record room.

Pronounced 30.09.2021

(Dinesh Kumar)
Addl. Sessions Judge,
UID:PB0445
Mansa.

Kamaljeet Singh Vs. State

Present: Sh.Aneesh Jindal, Learned Advocate for applicant/accused.
Sh.Jasvir Singh, Learned Additional PP for State.

Record produced. Arguments heard. Vide my separate detailed order of even date, present bail application is hereby allowed. Record along with copy of this order be sent back. File be consigned to the record room.

Pronounced 30.09.2021

(Dinesh Kumar)
Addl. Sessions Judge,
UID:PB0445
Mansa.