

**IN THE COURT OF RANJAN KUMAR KHULLAR,
JUDGE SPECIAL COURT, SAS NAGAR (MOHALI)**

Jaskaran Singh, aged about 20 years, son of Surinderpal Singh, resident
of village Sahoran, Tehsil Kharar, District SAS Nagar.

..... applicant

Versus

State of Punjab

.. respondent

FIR No.130 dated 28.05.2021
Under Sections: 354,323,506,34 IPC
Police Station: Sadar Kharar
District SAS Nagar (Mohali)

APPLICATION FOR BAIL UNDER SECTION 438 CRPC

Present: Sh. Kulwinder Singh Advocate, counsel for applicant.
Sh. Manjit Singh, Addl. P.P. for State
Sh. J.S Chahal, Advocate counsel for the complainant

1. The applicant Surinderpal Singh filed this bail application
under Section 438 of the Code of Criminal Procedure for grant of
anticipatory bail in case FIR No.130 dated 28.05.2021 under Sections
354,323,506,34 IPC, registered at Police station Sadar Kharar, District
SAS Nagar.

2. Notice of the application was given to the State and the same

has been contested on its behalf by Additional Public prosecutor.

3. Instant FIR has been lodged on the statement of complainant Kamlaish Kaur to the effect that she is a housewife. At about 7:45 A.M she was alone in the house. Her son Simranjit Singh had gone out for a walk. Her brother-in-law Surinderpal Singh came to her alone and started harassing and abusing her. He hold her shirt, started wrong deeds with her and she started to save herself, meanwhile parna(turban) of the accused also fell there. She went out to the gate in fear so that someone could save her from Surinderpal Singh. Then Surinderpal (*applicant/accused herein*) called his son Jaskaran Singh , and his wife Kuldeep Kaur and Sahil who is the son of brother-in-law of Surinderpal Singh. Surinderpal Singh beat her severely with a stick (danda)in his hand. Kuldeep Kaur , her son and Sahil hold her hair and gave her severe beatings. When they were beating her then her son Simranjit Singh came on the spot, who tried to rescue her from them they also hit him on the left elbow, left knee, right arm and head with sharp edged weapon. When the complainant raised hue and cry and on seeing the people on the spot, the accused entered their house. Her niece Gurjit Singh took her and Simranjit Singh(son) to Civil Hospital, Kharar, where she was medico-legally examined. The accused persons threatened to kill them. She requested that strict legal action be taken against the accused persons.

4. I have heard the learned counsel for the applicant, learned Addl. P.P. for State and have gone through the record carefully. I have

also heard the learned counsel for the complainant

5. Learned counsel for the applicant submitted that the accused has been falsely implicated in the present case by the complainant. He is the only bread winner of his family. Co-accused has already been granted anticipatory bail by this court. Nothing is to be recovered from him. Presentation of challan and conclusion of trial will take sufficient time. Applicant is ready to abide by all the terms and conditions which may be imposed by this court while enlarging her on bail and hence, prayer to allow the bail application has been made.

6. Per contra, learned Additional Public Prosecutor assisted by learned counsel for the complainant has submitted that the offences against the accused are serious in nature. Custodial interrogation is essential in such case. Therefore, he is not entitled to the benefit of anticipatory bail.

7. Perusal of the record transpires that allegations against the applicant/accused are that he along with his co-accused gave beatings to the complainant. Moreover, there is allegations of using criminal force with intent to outrage the modesty of woman. Applicant is the main accused. The allegations against the applicant/accused is grave and serious in nature. In my considered view, the custodial interrogation of the applicant/accused is necessary to unearth the truth and go to the root of the matter.

8. In view of the fact that allegations against the applicant are

grave and serious in nature, this court is of the opinion that it is not expedient in the ends of justice to release the applicant on anticipatory bail. Hence, without commenting upon the merits of the case, bail application filed by the applicant/accused under Section 438 Cr.P.C is hereby dismissed. Papers/bail application be consigned to the record room. Police record be returned.

Pronounced in open Court. 01.7.2021

**(Ranjan Kumar Khullar)
Judge, Special Court
SAS Nagar (Mohali).
UID No.PB0215**

(Directly Dictated)

Jyoti Stenographer(II)

BA-1429/2021
FIR No.130-28.05.2021

Surinderpal Singh vs State of Punjab

Present: Sh. Kulwinder Singh Advocate, counsel for applicant.
Sh. Manjit Singh, Addl. P.P. for State

Vide my separate order of even date, this bail application has been ordered to be dismissed, as per detail enumerated therein. File be consigned to the record room.

Dated 01.07.2021

(Ranjan Kumar Khullar),
Judge, Special Court
SAS Nagar (Mohali)
UID No.PB-00215