

**IN THE COURT OF MS RANA KANWARDEEP KAUR CHAHAL,
ADDITIONAL SESSIONS JUDGE, JALANDHAR. (UID No.PB00223).**

BA No.	1409/2023
CNR No.	PBJL010030912023
Date of Instt.	06.03.2023
Date of Order	14.03.2023

Gurmukh Singh son of Lal Singh resident of Patti Haweli, Malsian,
P.S.Shahkot, Jalandhar.

....Applicant/accused

Versus

State of Punjab.

FIR No.239 dated 20.10.2022
U/S 323,324/34 of IPC. Section 326 of IPC
added vide rapat no.40 dt.18.01.2023
Police Station Shahkot, Jalandhar.

First Bail Application under Section 438 Cr.P.C.

Present: Shri Jagdeep Singh Rai, Advocate for Applicant/accused
Shri Rishi Bhardwaj Addl. PP for the State.

ORDER:-

1. Applicant/accused named above has filed this first bail application under Section 438 Cr.P.C in a case FIR No.239 dated 20.10.2022 under Sections U/s 323,324/34 of IPC & later-on added offences U/s 326 of IPC vide rapat no.40 dt.18.01.2023, registered at Police Station Shahkot Jalandhar.

2. Upon notice, Shri Rishi Bhardwaj Additional Public Prosecutor appeared on behalf of State and opposed the bail application.

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ARGUMENTS BY LD. COUNSEL FOR APPLICANT/ACCUSED:

3. The learned Counsel for the applicant/accused has argued that applicant/accused is innocent and was never part of any alleged crime, nor has committed any such offence. Initially, police registered present FIR U/s 323,324/34 of IPC & applicant/accused joined the investigation in this case. However later-on, offence U/s 326 of IPC was added vide rapat no.40 dated 18.01.2023. Moreover, applicant/ accused is ready to re-join the investigation and undertakes to abide by the terms and conditions to be imposed while releasing him on bail. Lastly a prayer is made for allowing the bail application.

ARGUMENTS BY LD. ADDL. PUBLIC PROSECUTOR:-

4. On the other hand, the learned Addl. PP for the State has opposed this bail application. He has submitted that there are grave allegations against applicant/accused as he along with their co-accused armed with deadly weapons caused grievous injuries to complainant. He has further argued that the investigation is at the initial stage. In order to bring truth on record and for proper facilitation of investigation, custodial interrogation of applicant/accused is necessary and he does not deserve the concession of anticipatory bail. Accordingly, a prayer is made for dismissal of the bail application.

5. I have heard the Ld. Counsel for the applicant/accused and Ld. Addl.P.P. for the State and have also gone through the record.

6. Police record received. The brief facts of the case of the prosecution are that the FIR in this case has been registered on the basis of statement got recorded with the police on 05.10.2022 by complainant Baldev Singh son of Dalip Singh, wherein he stated that on 04.10.2022, his nephew Navjot Singh along with his wife and sister came from Australia and at about 9:30 P.M, they were unloading the suitcase from the vehicle of Jaswinder Singh. At that time, one Gurmukh Singh son of Lal Singh came there in a drunken condition on his car bearing registration no.PB67-D-3139 and asked the complainant to get aside his vehicle which was got aside through Jaswinder Singh. Later-on, Gurmukh Singh again came there & started giving abuses. Gurmukh Singh called upon Simranjit Singh @ Singha & Bhagwant Singh, who came there and caught hold of arms of complainant and Gurmukh Singh gave datar blow which hit on the upper side of left ear of the complainant. In the meantime, Jaswant Singh, the brother of Gurmukh Singh also came there and raised alarm. Thereafter, complainant fell down on the road and all these persons gave kick & fist blows. On making hue & cry, Kulbir Singh (jeeja) came there and said persons fled away from the spot along with weapon. Complainant was got admitted in Civil Hospital, Jalandhar by

said Kulbir Singh. A talk of compromise was being taken place but could not materialize.

7. Perusal of file further shows that during investigation on receipt of MLR dated 04.10.2022 regarding injury No.1 on the person of Baldev Singh was declared grievous in nature and vide rapat No.40 dated 18.01.2023, offence under Section 326 of IPC was added. Learned counsel for the applicant/accused has submitted that applicant/accused Gurmukh Singh was accompanied with two persons namely Simranjit Singh @ Singha and Bhagwant Singh, whereas, Baldev Singh was accompanied with four persons namely Jaswinder Singh @ Nikku, Kulvir Singh, Navjot Singh & Gurcharan Singh. Furthermore, it is a cross-version and both the parties received injuries. Applicant/accused has already joined investigation on 20.10.2022. No recovery is yet to be effected. Moreover, it is a matter of evidence that who is aggressor and who is at fault.

8. So, in view of above facts and circumstances, without going into the merits of the case, this Court is of the considered opinion that before deciding this bail application on merits, it is appropriate to direct the applicant/accused to join investigation which would be beneficial for further progress of investigation. As such applicant/accused is directed to join investigation within 15 days from today by surrendering before the IO/SHO of Police Station Shahkot, Jalandhar and in the event of arrest of

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applicant/accused, such Arresting Officer is directed to release him on interim bail in this case, on his furnishing bail bonds/surety bonds to his satisfaction subject to the conditions under Section 438(2) Cr.P.C. Now to come up on **29.03.2023** for **awaiting report of I.O. regarding joining of investigation by applicant/accused.** Police record be returned and be produced again on the date fixed.

Pronounced in open court
Dated:14.03.2023

Neeraj

(Rana Kanwardeep Kaur Chahal),
Addl. Sessions Judge, Jalandhar,
(UID No. PB00223).

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