

**IN THE COURT OF SH.AVTAR SINGH, ADDITIONAL
SESSIONS JUDGE, S.A.S. NAGAR, (MOHALI). (UID
NO.PB00086)**

B.A. CIS No.BA-1433/2023.
CNR No. PBSA01-003852-2023.
Decided on.11.05.2023

Gurjot Singh @ Gurjot Basaati aged 25 years son of Balkar Singh,
resident of Village Kambali, Tehsil and District SAS Nagar, (Mohali).

.....Accused/applicant.

Versus.

State of Punjab

.... Respondent.

FIR no. 440 dated 23.10.2022
under Sections: 341, 323, 324, 506, 148, 149, 120-B,
326 of IPC
P.S. Sohana, District S.A.S. Nagar, (Mohali)

Bail application under Section 438 Cr.P.C.

Present: Sh. K.S. Rathore, Adv, counsel for applicant.
Sh. R.S. Jauhal, Additional P.P for State.

ORDER:-

1. This order of mine shall dispose of the bail application filed
by applicants seeking anticipatory bail in terms of Section 438 Cr.P.C.
arising out of above said FIR.

As per report of concerned alhmed, nothing is
pending/decided against applicants in Hon'ble Punjab and Haryana High
Court, Chandigarh in the present case/FIR.

2. Notice of bail application was issued to the State and learned
Addl. PP for the State has put in appearance. Record of investigation
summoned and received.

3. The brief facts of the present case are that the previously FIR

was recorded on the statement of Jaskirat Singh son of Surinder Pal Singh which was registered against Harsh Bains, Gurjot Basaati, Dushyant Pandit, Amrinder Sekhon, Jasmeet Antal, Shalini Thakur and 3-4 unknown persons on the allegations that it was his birthday and he arranged a party for his friends for celebration of the birthday. His friend Veer Saggar Singh took Shalini Thakur. Complainant alongwith Shalini Thakur were occupier of the car bearing registration no. CH-01-CE-0085 make Fortuner. When they reached near Lights of Sector-88, one car bearing registration no. PB-65-AX-9800 make Thaar was driven by Harsh Bains hit that car with the car of complainant. One car bearing registration no. CH-01-BZ-6565 which was also driven by Gurjot Basaati came at the spot. Another car being driven by Dushyant Pandit alongwith Amrinder Singh Sekhon, Jasmeet Antal were occupier of the car. Harsh Bains gave the blow of sharp edged weapon on the left side of the complainant. Gurjot Basaati also gave blow of weapon towards his head and he fell on the ground. Dushyant Pandit, Amrinder Singh Sekhon, Jasmeet Antal gave frequent blow on the person of the complainant. All the accused took Shalini Thakur. The real dispute between is that accused party was threatening the complainant for the last two months that complainant gave the injury to Shalini Thakur. The injured was taken to the hospital. Investigation was initiated. Offence under Sections 341, 323, 324, 506, 147, 149, 120-B of IPC.

In the cross version, the statement of Amrinder Singh Sekhon, a case was registered against Jaskirat Singh. Amrinder Singh stated that he

alongwith his friend Harshpreet Singh were coming from Khanna on 23.10.2022 where Harshpreet Singh received telephonic call from Shalini Thakur that Jaskirat Singh in inebriated condition and is misbehaving with her. Harshpreet Singh received the location. They reached the rights of Sector-88, Mohali. When Amrinder Singh Sekhon came out of the car with his friend, Jaskirat Singh waived the kirpan. In order to save himself, Amrinder Singh raised his hand. He gave the blow of kirpan on the person of Harshpreet Singh. Amrinder Singh and Harshpreet Singh was taken to the hospital. Offence was made out under Sections 323, 326 of IPC.

4. Learned counsel for the accused/applicant has argued that the accused/applicant has falsely implicated in the present case. Learned counsel for the accused further argued that this Court has also granted bail to accused Jaskirat Singh who was complainant in this case and one accused Shalini Thakur. The bail application of this accused/applicant should be also allowed.

5. On the other hand the learned Addl. PP for the State has vehemently opposed the bail application on the ground that there are serious allegations against the accused/applicant. He further argued that the case of Jaskirat Singh is separate. This court has granted bail to the accused Jaskirat Singh as Jaskirat Singh has suffered grievous injuries on his person. Moreover, the case of Jaskirat Singh is not at par with the present accused. Moreover, the case of accused Shalini Thakur is different from the present accused/applicant. There is specific allegations that the accused/applicant Gurjot Basaati was driving the car and he stopped the

car in the left side of the car of the complainant. Accused Harshpreet Singh @ Harsh Bains and Dushyant Pandit gave injuries to the complainant Jaskirat Singh. Offence is serious in nature. If the bail is granted, the accused/applicant can influence the investigating agency and he can also dissuade the prosecution witnesses from their true testimonies. He argued that the present bail application be dismissed.

6. From the submissions of learned Additional Public Prosecutor, learned counsel for the accused/applicant and from the record of police file, this is the cross case. One case is registered on the statement of Jaskirat Singh and another was registered on the statement of Amrinder Singh Sekhon. Complainant Jaskirat Singh suffered the various injuries which is grievous in nature. The accused came on car bearing registration no. CH-01-BZ-6565 BMW, which was driven by the accused/applicant Gurjot Basaati. Accused Harshpreet Singh @ Harsh Bains gave blow of sharp edged weapon on the left hand of the complainant. Gurjot Basaati also gave the blow of sharp edge weapon on the head of the complainant. In the meanwhile, Dushyant Pandit, Amrinder Singh Sekhon and cousin of Amrinder Singh Sekhon gave the blow of sharp edged weapons on the person of the complainant. Offence was made out under Sections 341, 323, 324, 506, 148, 149, 120-B, 326 of IPC which is serious in nature. There is specific allegations against the accused Gurjot Basaati, Harshpreet Singh @ Harsh Bains, Amrinder Singh and Dushyant Pandit. The case of this applicant is totally different from the case of Jaskirat Singh and Shalini Thakur. Offence is serious in nature. Investigation is at initial stage. If the bail is granted, they

can influence the investigating agency and can dissuade the prosecution witnesses from their true testimonies. It will hamper the investigation.

7. Thus, keeping in view the facts and circumstances mentioned above as well as in view of the seriousness of allegations against the accused/applicant and gravity of the offence, no exceptional circumstance for grant of anticipatory bail to the accused/applicant is made out and accordingly, the bail application is hereby dismissed. Record of the investigation be returned and file of bail application be consigned to the Record Room.

Pronounced.
11.05.2023

(Avtar Singh)
Addl. Sessions Judge.
SAS Nagar, (Mohali).
(UID No.PB00086)

Bhupinder Singh
Stenographer-II