

**In the Court of Sh.Rakesh Kumar Sharma
Addl. Sessions Judge, Tarn Taran.
(UID No.PB0133)**

~~~~

**CIS No.BA 1432-2022  
Decided on: 14.7.2022**

Rajpal Singh son of Lakhwinder Singh, resident of village Sheron, Tehsil and District Tarn Taran.

.....Applicant

Versus

State of Punjab

.....Respondent

**AND**

**CIS No.BA 1432-2022  
Decided on: 14.7.2022**

Sarvan Singh son of Gurdip Singh resident of village Sheron, Tehsil and District Tarn Taran.

.....Applicant

Versus

State of Punjab

.....Respondent

**FIR No. 88 dated 31.05.2022**

**Under Sections 353, 332, 506, 186, 34 of IPC  
Police Station City Patti.**

Present: Sh. Navjot Kaur Chabba, advocate, counsel for the applicants  
Sh. Ashok Kumar, APP for the State

**ORDER**

Applications for anticipatory bail have been filed by both the applicants who are serving in the Indian Army on the ground that they are apprehending arrest for the commission of offence of non bailable whereas the prosecution version is false. They have not committed any offence. The applicants never part in the alleged offence whereas medical officer Dr. Sanjeev Kumar Kohli and respectable persons has settled the matter and matter was compromised. The complainant did not want take any action

against the applicants as per the compromise deed dated 01.06.2022. Now police officials raided the house of the applicants in the present case. They are ready to join the investigation in the present case.

2. Learned counsel for the applicants has contended that the application has been filed to place on record pen drive which shows that footage of period during night time when the doctor was not present and patient was attended by Sajjan Kumar, who during course of treatment given to the patient admitted that people are complaining about doctor during night time and not complaining day time when the regular staff available. Learned counsel for the applicants has further contended that the FIR was registered at the instance of SMO whereas concerned doctor never filed any complaint about the alleged misconduct of offence by the applicants and the same doctor i.e. SMO had intervened and finds that the concerned doctor was not present during night time and matter was compromised. It is further submitted that accused/applicants are ready to join the investigation.

3. Record produced by ASI Jagjit Singh.

4. On the other hand, ld. APP for the State has strongly opposed the anticipatory bail applications on the ground that the statement of doctor and eye witness was recorded by the investigating officer in which it is very much submitted that the doctor was very much present in the night duty and both the applicants threatened the doctor that he should give opinion and to prepare false report whereas the doctor had refused to obliged them. On refusal on the part of the doctor, the applicants had booked the doctor and beaten up the public servant from discharge of duty and they had also torn medico legal report register. It has been further contended that the

footage record from the cellphone has no authenticity and therefore, the same cannot be taken into consideration at this stage.

5. After having gone through the record and after hearing learned counsel for the applicant and Id. APP for the State this court is of the opinion that probable defence of the applicants is also part of investigation and investigating officer is directed to take into possession probable defence of the accused as well which has direct connection with the allegations as contained in the present FIR. The presence of doctor seems improbable at this stage. Therefore, under the facts and circumstances applicants are directed to join the investigation within 7 days from today, with the investigating officer/SHO who will admit them on interim bail and the present applicants will extend cooperation in the investigation. Copy of this order be attached with the connected bail application. For calling report of compliance for 27.07.2022.

**Pronounced  
14.7.2022**

Rajinder Kumar

**(Rakesh Kumar Sharma)  
Addl. Sessions Judge Tarn Taran.  
(UID No.PB0133)**