

In the Court of Hardip Singh, Additional Sessions Judge/Vacation Judge, Ferozepur.

CNR No.PBFZ0100-3332-2022

CIS No. BA/1432 of 2022

Date of Order: 29.06.2022

1. Major Singh, aged about 38 years, son of Tara Singh, resident of Village Naurang Ke Syal, Tehsil and District Ferozepur.
2. Jobanpreet Singh, aged about 18 years, son of Balwinder Singh, resident of Village Naurang Ke Syal, Tehsil and District Ferozepur.
3. Karanpreet Singh son of Major Singh, resident of Village Naurang Ke Syal, Tehsil and District Ferozepur.

... Applicants/accused

Versus

State of Punjab.

... Respondent.

Rapat No.39 dated 20.06.2022,
U/s 326/324/323/148/149 IPC.
Police Station Sadar Ferozepur

In

FIR No.54 dated 16.03.2022.
U/s 325/324/323/148/149 IPC.
Police Station Sadar Ferozepur

(Application for bail under Section 438 of Cr.P.C)

Present: Sh. J.S.Kalra, Advocate, counsel for applicants/accused.
Ms. Teena, Additional Public Prosecutor for the State.

ORDER

1. Bail application put up before me being Vacation Judge.

Heard on the bail application filed by the applicants/accused, under section 438 Cr.P.C in case bearing Rapat No.39 dated 20.06.2022, U/s 326/324/323/148/149 IPC, Police Station Sadar Ferozepur, **In** FIR No.54 dated 16.03.2022, U/s 325/324/323/148/149 IPC, Police Station Sadar Ferozepur.

2. Learned counsel for the applicants/accused has argued and contended that applicants/accused have been falsely implicated in this case. They have no concern whatsoever in any manner with the alleged crime. There is delay of more than three months in lodging the present rapat and the present rapat is counter blast of FIR No.54 dated 16.03.2022 registered on the statement of Sarwan Singh against Akashdeep Singh complainant of present rapat, just to put pressure. As per allegations in the rapat, it is alleged that on 12.03.2022 at about 7:30 PM, the complainant while attending the phone came outside in the street in front of house of Gurbachan Singh and it is alleged that Sarwan Singh armed with Kappa, Gurwinder Singh @ S.P. armed with Kirpan, Lovepreet armed with rod, Jashan armed with basebat, Rahul armed with Hockey, Gurbachan Singh empty handed,

applicant/accused Major Singh empty handed, Balwinder Singh empty handed, Joban (Jobanpreet Singh) and Karan (Karanpreet Singh) applicants/accused empty handed. As per the version, applicant Major Singh raised lalkara that they should be taught a lesson for abusing in front of their house and Sarwan Singh gave Kappa blow on the right leg of complainant and Gurwinder Singh gave Kirpan blow from its bakside, which hit on the back of the head of the complainant, Lovepreet gave rod blow, which hit on the right thigh of the complainant, Jashan Singh gave basebat blow, which hit on the fingers of right hand of complainant, Rahul gave Hockey blow which hit on the right arm and other accused also gave beatings. The complainant raised roula "Marta-Marta", whereupon the people gathered at the spot and Bhupinder Singh son of paternal uncle of complainant alongwith father of complainant came for his rescue at the spot and the accused fled away from the spot. It is submitted that no act or overt act has been attributed to the applicants/accused and only lalkara has been attributed to applicant/accused Major Singh. Infact, Gurbachan Singh has received injuries on his person and was medico-legally examined vide MLR No.MS/298/MLR/CHF/2022 and there are also injuries on the persons of Sarwan Singh and Jashanpreet Singh and as such, the complainant party Akashdeep Singh is aggressor. The alleged injury on

the person of Akashdeep Singh is on the non vital part of the body. The applicants/accused are ready to join the investigation. Hence, a prayer has been made for grant of anticipatory bail.

3. Notice of the bail application was given to the State, through learned Additional Public Prosecutor for the State, who appeared and opposed the present bail application on the ground the applicant/accused has committed heinous crime. ASI Ranjit Singh has also appeared alongwith record and suffered a statement that accused has neither filed bail application before Hon'ble Punjab & Haryana High Court, Chandigarh, nor the same is pending in any superior court of law. This is the first anticipatory bail application of accused. No offence has been added after registration of present FIR.

4. Heard. Perusal of the file shows that the allegations against the applicants/accused are that the complainant has got recorded his statement on 20.06.2022 that the applicants/accused alongwith co-accused armed with their respective weapons have caused injuries on their persons. Learned counsel for the applicants/accused has argued that this DDR is counter blast to FIR No.54 dated 16.03.2022 registered by the accused side against the complainant. Since, it is a case of version and cross-version and the aggressor will be decided at the time of trial and the challan is yet to be

presented as investigation is still pending. So I deem it fit to direct the applicants/accused to appear before the investigating officer/SHO within six days and join the investigation and on their doing so, they be released on interim bail. The applicants/accused shall comply with Section 438 (2) of Cr.P.C.

5. Now to come up on 12.07.2022 for further proceedings and consideration. Anything stated in this order shall have no bearing on the merits of the case in any manner. File be put up before learned Sessions Judge, Ferozepur, on the date fixed for entrustment purpose.

Pronounced in open Court.

Dated: 29.06.2022

Kapil, Stenographer Gr. II

(Hardip Singh)
Additional Sessions Judge/
Vacation Judge,
Ferozepur.
(UID No.PB0638)