

**In the court of Shri Parminder Singh Addl. Sessions Judge ,
Hoshiarpur, UID No. PB-0175**

CIS No. 1447 of 2018
CNR No. PBH001-004414-2018
B.A No. 850 of 17.7.2018
Date of order: 6.9.2018

Jasvir Singh aged 32 years son of Sh Kewal Singh, resident of village Malkowal, P.S Garhshankar Distt. Hoshiarpur.

-Accused-applicant

Versus

State of Punjab

-- Respondent.

FIR No. 79 dated 21.4.2018
U/s 323,304/34 IPC
Police Station: Garhshankar.

First application for anticipatory bail u/s 438 Cr.PC

Present: Shri Neeraj Arora advocate for applicant-accused.
Shri Pawanpreet Singh Addl. PP for the State.

ORDER:

1. This order of mine shall dispose of an application for anticipatory bail moved by the applicant-accused Jasvir Singh.
2. The present case was registered on the statement of complainant Avtar Singh son of Sadhu Singh wherein he stated that he is old aged person. On 15.4.2018 at about 6:30 pm he alongwith his wife Devinder Kaur were sitting on the cot in the courtyard of his house. In the meantime, Jasbir Singh, Parminder Singh sons of Kewal Singh, Mandip Kaur wife of Jasbir Singh,

Charanjit Kaur wife of Parvinder Singh came there. Jasbir Singh was having danda in his hand and they started abusing him and his wife. Thereafter Jasvir Singh gave danda blow which hit on his back and Parminder Singh gave fist blow on his chest. Mandip Kaur and Charanjit Kaur were abusing them. The complainant fell down and then Jasbir Singh gave three danda blows which hit on the wrist of complainant. Parminder Singh then gave fist blow. The wife of complainant came forward to rescue him and the above said persons pushed her aside. The complainant raised hue and cry which attracted Mohinder Singh son of Sarpanch Surjit Singh and Harjinder Kaur (daughter-in-law of complainant). Thereafter the complainant was got admitted in the Civil Hospital, Garhshankar by Mandeep Kumar. The police registered case under Section 323,34 IPC, however during treatment complainant Avtar Singh died and offence under Section 304 IPC was added.

3. The learned counsel for the applicant-accused has argued that the applicant-accused is innocent persons and he has been falsely implicated in the present case. The complainant being relative of applicant was having grudge towards the applicant and his family members and he was in habit of leveling false allegations against them. He has further contended that the complainant has died the natural death due to old-age ailments and

offence under Section 304 IPC has been wrongly added in the present case.

4. The learned Addl. PP for the State has opposed the bail application by contending that the complainant died due to the injuries caused by the applicant-accused and his co-accused. So, in view of the gravity of offence the applicant-accused is not entitled to be released on anticipatory bail.

5. I have carefully considered the submissions of the parties. As per allegations mentioned in the FIR, first of all applicant-accused Jasbir Singh gave danda blow on the back of complainant who was aged about 70 years and when complainant Avtar Singh (since deceased) fell on the ground, then applicant-accused again gave three blows of danda which hit on different parts of body of complainant. Due to the injuries suffered by the complainant he died during treatment. A valuable life has been lost. Custodial interrogation would be essentially required. So given the kind of serious allegations, this court is of the considered opinion that applicant-accused is not entitled for concession of anticipatory bail. Hence the bail application in hand is ordered to be dismissed. File be consigned to record room.

Announced:
Dated: 6.9.2018

Kulvinder Singh
Stenographer-I

(Parminder Singh Rai)
Addl. Sessions Judge
Hoshiarpur
UID No. PB-0175

Jasvir Singh Vs State

Present: Shri Neeraj Arora, advocate for applicant-accused.
Shri Pawanpreet Singh Addl. PP for the State.

Arguments heard. Vide my separate detailed order of even date, the bail application filed by the applicant-accused has been dismissed. File be consigned to record room.

Announced:
Dt. 6.9.2018

(Kulvinder Singh)
Stenographer-I

(Parminder Singh Rai)
Addl. Sessions Judge
Hoshiarpur
UID No. PB-0175