

**In the court of Mrs.Anjana, Additional Sessions Judge,
Moga. (UID No.PB0448)**

CIS No.BA/1442/2020
CNR No.PBMO0100-3006-2020
Decided on :- 04.08.2020

State of Punjab

Versus

1. Pargat Singh son of Nirmal Singh
2. Sukhraj Singh son of Beant Singh, residents of village Datta, District Moga.

....Accused/Applicants

FIR No.63 dated 22.07.2020
U/ss 323, 324, 452, 148, 149 IPC, Section 326 IPC,
Section 51-B Disaster Management Act
P.S. Mehna.

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Bail Application under section 438 Cr.PC.

Present: Sh. B.S.Dhaliwal, Advocate for applicants/accused
Mrs. Gunwantjit Manesh, Addl.PP for the State

ORDER

1. Virtual court room set up through Vidyo App. Learned Addl.PP for State is online from her office. This order of mine shall dispose of bail application under section 438 Cr.P.C for grant of anticipatory bail, in case FIR No.63 dated 22.07.2020, U/ss 323, 324, 452, 148, 149 IPC, Section 326 IPC & 51-B Disaster Management Act, registered at P.S. Mehna.
2. Notice of the bail application was issued to State and Mrs. Gunwantjit Manesh, Additional Public Prosecutor appeared on behalf of State. ASI Daljit Singh is present through Video Conferencing while sitting in police station. Relevant record perused through Video Conferencing.
3. Learned counsel for accused/applicants has contended that applicants/accused are quite innocent and they have been falsely implicated in this case. The story mentioned in the FIR is concocted one. Accused/applicant

Pargat Singh also suffered injuries and injuries were caused by the opposite party. On the statement of Pargat Singh, Rapat No.38 dated 22.07.2020 was entered by the police station Mehna. Accused/applicants are apprehending their unlawful arrest and torture at the hands of the police. Accused/applicants are ready to join the investigation as and when required by the police. The custodial interrogation of accused/applicants is not required. Lastly, prayer has been made for acceptance of bail application.

4. On the other hand, learned Addl. P.P. for the State has opposed the bail application on the ground of gravity of offence and prayer has been made for dismissal of the bail application.

5. After giving my careful and thoughtful consideration to the rival contentions and on careful perusal of averments of application, contents of FIR coupled with the duly assistance rendered, the Court is of the considered view that present bail application merits acceptance and applicants are entitled to interim anticipatory bail. From the perusal of file shows that initially, FIR of the present case has been registered by one Gurbhej Singh alias Bheja against accused/applicants and other co-accused on the allegations that when he alongwith Dilpreet Singh, Lakhvir Singh and Harjinder Singh reached on the liquor wend situated at Data to Bhinder Kalan road, they saw that 10/15 persons were arguing with Salesman. In the meantime, he alongwith his companion asked the salesman, who told that accused/applicant Pargat Singh, Komalpreet Singh, Manjit Singh alias Sunny, Jagjit Singh alias Babbu, Gopi son of Nirmal Singh, accused/applicant Sukhraj Singh and Bikramjit Singh were quarreling with him on the ground of liquor bottle and they also entered into the liquor wend after opening the gate and caused injuries to him. They also tried to snatch his money and he tried to understand them that why they are doing this type of act, thereafter, aforesaid persons started scuffling with them and they also tried to broke the shutter of the shop. When they tried to stop them, then Komalpreet Singh gave sharp edged weapon blow upon him, which hit on his left hand. In the meantime, accused/applicant Pargat Singh also gave dang blow towards him which hit on his left foot. After that co-accused Manpreet Singh gave dang blow which hit upon on his head. Jagjit Singh gave baseball blow on his head. Gopi, applicant/accused Sukhraj Singh

and Bikramjit Singh also caused injuries to his companions Lakhbir Singh and Dilpreet Singh with their respective weapons.

6. Statement of ASI Daljeet Singh, No. 1091/Moga got recorded through video conference also shows that applicant Pargat Singh gave dang blow left leg of complainant Gurbhej Singh and applicant Sukhraj Singh also gave dang blow on right side of head of Dilpreet Singh and as per MLR, both the aforesaid injuries falls under Sections 323 IPC. So far as injury, section 326 IPC is concerned, same is attributed to co-accused Kamaljit Singh who gave sharp edged weapon on left hand of complainant Gurbhej Singh. A cross case has also been registered on the statement of applicant Pargat Singh vide DDR No.15 dated 25.07.2020. Perusal of record shows that it is a cross case and at this stage, it can not be ascertained, who is aggressor party. Since, the injuries attributed to the present applicants are simple in nature and accused/applicant is ready to join the investigation, as such, their custodial interrogation is not required. Accordingly, this court is of the opinion that ends of justice shall be met in case applicants are directed to join the investigation within seven days and assist the investigating officer/S.H.O. of concerned police station as and when called. Upon their doing so, the applicants shall be released on interim bail on furnishing personal bonds to the satisfaction of I.O./SHO. The applicants shall comply with the provisions of section 438 (2) Cr.P.C.

Now to come upon 17.08.2020 for awaiting police report.

Pronounced.
Dated 06.08.2020
(Sunny Stenographer II)

(Anjana),
Addl Sessions Judge,
Moga. **(UID No.PB0448)**