

**In the Court of Jaswinder Sheemar,
Additional Sessions Judge, Hoshiarpur. (UID No.PB-0093).**

BA No.156 of 2024
CNR No:PBHO01000446 of 2024
Decided on:- 31.1.2024

Mayank Sharma aged 28 years s/o Surinder Kumar r/o house no. 4/391,
Sanchali Bazar, Banga Rural, District SBS Nagar.

.....Bail Applicant

Versus

State of Punjab.

.....Respondent

**FIR No.182 dated 18.08.2023
Under Sections 323, 379-B, 34 of the IPC
Police Station Mahilpur, District Hoshiarpur**

First Bail Application Under Section 439 Cr.P.C.

Present: Shri RS Bhogal Adv., Counsel for the bail-applicant
Shri Charanjit Singh, Addl. Public Prosecutor for the State.

ORDER:

This is a **regular** bail application filed on behalf of **bail applicant** in the above referred FIR case.

2. **Notice** of the bail application was issued to the State through Learned Additional Public Prosecutor of the State, who put in appearance and contested the bail application.

3. Report of Ahlmad has also received, vide which it is reported that no other bail application is pending or decided as per the website of Hon'ble High Court of Punjab & Haryana, Chandigarh.

4. The police has **not produced** the record despite availing sufficient opportunities.

5. I have heard the Learned Additional Public Prosecutor for State and the Learned Counsel for bail-applicant and have gone through the

police record.

6. From the record, it comes out to surface that police machinery was set into motion by one **Ashok Kumar (complainant-informant)** by way of getting the present FIR registered, **under Sections 323 and 379-B, 34 of the IPC**, against **unknown person** originally, on the allegations that he is constable on deputation with Excise Department, District SBS Nagar. On 17.08.2023 at about 10.00 pm, after duty hours, he while riding his motorcycle was going back home and, when he reached near village Thuana Adda, meantime, one Alto car, wherein four persons were sitting hit motorcycle, due to which he fell down and when he asked them as to why did they hit his motorcycle, whereupon they unnecessarily started having altercation with them. The **assailants** were **armed** with **dandas and Sotas** and started giving **him blows due to which he fell down** and received **injuries**, thereafter, while leaving spot, they had taken away his purse containing **Rs.1000/-, Aadhar card, pan card, I card, ATM Card(pin) , mobile phone OPPO**. Thereafter, complainant went back home and discussed issue with Makhan Singh (brother), who after making arrangement of transportation took him to Civil hospital, Mahilpur, from where he was referred to Civil Hospital, Hoshiarpur.

7. From FIR itself, it comes out to surface that there were nine injuries on the person of complainant with blunt weapon, and nature of injuries 1,5,6,7,8,9 were kept pending and injuries no. 2 to 4 were however simple.

8. Therefore, observing that **bail applicant** was arrested on 28.12.2023. The co-accused had already been granted bail by the undersigned.

Keeping in view that the allegations subject matter to be proved on merits and the

bail-applicant in custody since 28.12.2023 and presentation of challan and thereafter conclusion of trial is going to take indefinite time, therefore I deem it proper to allow the regular bail application filed on behalf of the bail-applicant. Therefore, the bail application stands **allowed**. The bail-applicant is ordered to admitted to bail in the sum of Rs. 50,000/- with one surety in the like amount to the satisfaction of Ilacqua/Duty Magistrate.

11. The observations made by undersigned vide this Order will have no reflection on merits. Bail application file be consigned to the Judicial Record Room, Hoshiarpur, on its completion.

12. Nothing above observed by the undersigned for the decision of the bail application would amount to reflection of mind on merit .

13. Police record is ordered to be returned. The bail papers are ordered to be consigned to the Judicial Record Room, Hoshiarpur, after its completion.

Pronounced in open Court:
Dated: 31.1.2024
Nikita Aery

(Jaswinder Sheemar),
Addl. Sessions Judge, Hoshiarpur.
(UID No.PB-0093).