

In the Court of Hardip Singh, Additional Sessions Judge, Ferozepur

CNR No.PBFZ0100-3972-2022

CIS No. BA/1586 of 2022

Date of Order: 18.07.2022

1. Veerpal Kaur, aged 38 years, wife of Jaswant Singh,
2. Jaswant Singh, aged 40 years, son of Joginder Singh, both residents of Village Pritam Singh Wala, Palla Megha, Tehsil and District Ferozepur.

... Applicants/Accused.

Versus

State of Punjab.

...Respondent.

FIR No.137, dated 18.06.2022

U/s 452,323,506,34 IPC

Police Station Sadar Ferozepur.

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

Present: Sh. R.S.Sidhu, Advocate, counsel for
applicants/accused.

Ms. Teena, Additional Public Prosecutor for the State.

O R D E R

1. Heard on the bail application filed by applicants/accused Veerpal Kaur and Jaswant Singh, under Section 438 of Cr.P.C, pertaining to FIR No.137, dated 18.06.2022, under Sections 452,323,506,34 IPC, Police Station Sadar Ferozepur.

2. Learned counsel for the applicants/accused has argued and contended that no offence is made out against the applicants/accused. The applicants/accused and the complainant belong to one family and there is family dispute regarding partition of the land. The applicants/accused exchanged their one marla land with his brother's family, but the complainant party did not deliver the possession of the exchanged land to the applicants/accused. The applicants/accused had moved an application to SHO, PS Sadar Ferozepur, on 12.06.2022 to get the possession of the land and also requested that the complainants are trying to quarrel with the applicants/accused. On 14.06.2022 the applicant/accused Veerpal Kaur moved an application to SHO, PS Sadar Feropeur for taking legal action regarding the dispute but the police did not take any action against the complainant party and on 18.06.2022 the police has registered present false FIR against the applicants/accused due to political approach of the complainant party. There is delay of 4 days for registration of the FIR, after the alleged occurrence. The applicants/accused are ready to join the investigation. Hence, prayer has been made for grant of concession of anticipatory bail.

3. Notice of the bail application was given to the State, through learned Additional Public Prosecutor on behalf of the state and

opposed the bail application on the ground that the allegations against the applicants/accused are serious in nature. HC Paramjit Singh no.1499, FZR, PS Sadar Ferozepur, has also appeared alongwith record and suffered a statement that the accused have 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 Offence under Section 325 IPC has been added after registration of the FIR, vide DDR No.43 dated 24.06.2022. Injured Jaswant Singh is still admitted at Civil Hospital, Ferozepur.

4. Heard. Perusal of the FIR shows that the present FIR has been registered on the statement of Jaswant Singh son of Gurmej Singh on the allegations that applicant/accused Jaswant Singh son of Joginder Singh armed with Dang and Veerpal Kaur forcibly entered the house of complainant and caused injuries on the person of complainant. One of the injury has been declared as grievous in nature. Although, offences under Sections 325/323/506/34 IPC are bailable one and only offence under Section 452 IPC is non-bailable one but in this case, injury on the person of complainant has been declared as grievous. Even during the course of arguments, on the last of hearing, the applicant/accused Jaswant Singh had filed an affidavit in the court that injured Jaswant

Singh son of Gurmej Singh has already been discharged from Civil Hospital, Ferozpur about one week ago and at present injured Jaswant Singh has disappeared somewhere and he is not presently admitted at Civil Hospital, Ferozepur, but investigating officer had submitted report of concerned doctor that injured Jaswant Singh son of Gurmej Singh is still admitted at Hospital and is planned for surgery. There are specific allegations against the applicants/accused that they while entering into the house of complainant caused injuries on the person of complainant. So, keeping in view the entire facts and circumstances of the case, I do not find it fit to grant the concession of anticipatory bail to the applicants/accused. Accordingly, the present bail application is hereby dismissed and disposed of. Anything said in this order shall not affect the merits of the main trial in any manner. File be consigned to the record room.

Pronounced in open Court.

Dated: 18.07.2022
Kapil,
Stenographer Gr. II

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