

IN THE COURT OF SH. SANDEEP S. JOSSAN (PB0150)  
ADDITIONAL SESSIONS JUDGE, FAZILKA.

BA No. 1594 of 20.12.2017  
Filing ID No. 3940 of 2017  
CNR No.PBFZC0-005376-2017  
Decided on :- 02.04.2018

Dharampreet Singh @ Bobby son of Gurvinder Singh, resident of village  
Kundal, Tehsil Abohar, District Fazilka.

. . . Accused/applicant.

Versus

State of Punjab.

. . . Respondent.

FIR No. 93 of 12.10.2017  
Under Section: - 307/326/323/34 IPC  
PS: Sadar, Abohar.

**Bail application U/s 439 Cr.P.C.**

Present: Addl. PP for the State.  
Sh. S.S.Dhaliwal, cl. for the accused/applicant.

**ORDER**

1. This order disposes off bail application of accused described in detail herein above. Accusation leading to registration of this FIR is that on 12.10.2017 at about 8.15 A.M. complainant along with Rajvir Singh, Amandeep Singh were sitting on a bench near Gurudwara. In the meantime, one Swift Car came there and Ramandeep Singh who was having kapa,

Amandeep Singh who was also having Kapa, Dharampreet who was having iron rod came out from the car. Ramandeep Singh raised Lalkara by stating that Gurcharan Singh be taught a lesson for injuring his dogs. On this, Ramandeep Singh gave Kapa blow which landed from reverse side on the left side of complainant's head, Ramandeep Singh again gave Kapa blow which landed on the right leg below the knee of the complainant and complainant fell on the road. Thereafter, accused Dharampreet Singh gave rod blow on the right leg of the complainant, Amandeep Singh gave a Kapa blow on the left leg of the complainant when clamor was raised accused fled the scene along with weapons.

2. It is alleged on behalf of accused that prima facie no case is made out against the accused. As per MLR injury No.4 is on the head which is simple in nature. According to the MLR as well as X-ray report this injury is bailable. The injury No.1 is on the left Tibia which is below the knee joint and is shown to be grievous in nature and there is cutting in MLR and injury is changed from right leg to left leg. Injury No. 3 & 4 are simple in nature and there is no other injury on the person of complainant Gurcharan Singh. Simple injury which is on the head cannot be dangerous to life. Injury no.1 which is incised wound which is shown to be grievous nature and is on the Tibia of left leg and this injury can also not be dangerous to life. So there is no injury which could be dangerous to life on the persons of

Gurcharan Singh. Accused has been falsely implicated in the present case, no useful purpose will be served by detaining the accused for indefinite period as the prosecution will take its own time to conclude the trial.

3. Application has been opposed by the State by arguing that the offence is very serious as accused attacked the complainant in order to kill him.

4. I have heard Ld. Counsel for the parties and have gone through the police file with their able assistance. The accused applicant is in custody since 27.11.2017. Further as far as offence under section 307 IPC is concerned, what the Court has to see is whether the act, irrespective of its result, was done with the intention or knowledge or under circumstances mentioned in Section 307 IPC and this is a matter of evidence.

5. For all that has been discussed above, without meaning to express any opinion on the merits of the case, it is found to be a fit case to extend benefits of bail to the accused /applicant as no useful purpose will be served by detaining the accused for indefinite period as the prosecution will take its own time to conclude the trial, as such applicant/accused ordered to be admitted to bail on furnishing bail bonds in the sum of Rs. 50,000/- with one surety in the like amount with Trial/Ilaqa/duty Judge. Subject to the condition that accused will not try to tamper with the prosecution evidence in any manner and will not leave the country without prior permission of

court. Copy of this order be placed on the main trial file. Papers be  
consigned to records after due compilation.

-Sd/-

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| <b>Pronounced.<br/>Dated: - 02.04.2018</b> | <b>Sandeep S. Jossan<br/>PB0150<br/>Additional Sessions Judge,<br/>Fazilka.</b> |
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typed by Sunil Kumar,  
Stenographer Gr-1