

*In the Court of Sh. Rakesh Kumar
Additional Sessions Judge,
Ferozepur*

Bail Application No.403 Of 27.07.2018

CIS No. BA 1588/2018

Date of Order :- 08.08.2018

PBFZO100- 4163-2018

1. Kammo Bai aged 75 years daughter of Puran Singh, (Aadhr Card No.645874040712),
2. Sundra Bai aged 23 years daughter of Kashmir Singh, (Aadhar Card No.983966564818),
3. Kamaljit Kaur aged 28 years wife of Lachhman Singh, (Aadhar Card No.554850454209),
4. Amandep @ Anju aged 23 years daughter of Tara Singh (Aadhar Card No.438992105539), all residents of village Purana Bare Ke, Tehsil and District Ferozepur.

.... Applicants/ accused.

Versus

State of Punjab.

.... Respondent.

FIR No.145 dated 09.06.2017

Under sections 379/448/459/427/511/354(B)/365/436/325/323/148/149
of IPC

PS: Sadar Ferozepur.

Present: Sh. R. K. Dua, Advocate for the Applicants/ accused;

Sh. B. S. Kamboj, Additional PP for the State.

ORDER

1. The present order of mine would have the effect of disposing of the present application under Section 438(i) Cr. P. C. filed by applicants Kammo Bai, Sundra Bai, Kamaljit Kaur and Amandeep

@ Anju through counsel Sh. R. K. Dua, Advocate in FIR No.145 dated 09.06.2017 under Sections 379/448/459/427/511/354(B)/365/436/325/323/148/149 of IPC, registered at PS Sadar Ferozepur.

2. Notice of the application was given to the learned Additional Public Prosecutor for the State and in pursuance of the said notice, the Additional Public Prosecutor for the State has put in his able appearance and has strongly contested the present bail application.

3. Brief facts of the present case are that present case has been registered on the statement of complainant Manjit Kaur who has stated that on the relevant day she along with her daughter Deeja found that applicant Sheela Rani wife of Kartar Singh, Kartar Singh, Kammo Bai and Major Singh were dismantling the wall of their haveli and were stolen the bricks from that place. When they tried to stop, all these persons abusing them (complainant party). They had also summoned other persons of their family namely Munsha, Anju, Challo, Sundra Bai and all of them started locking the door of the room which was in possession of the complainant. When (complainant's daughter) Deeja started to stop them, then Manju and Kanwaljit Singh caught hold her (Manjit Kaur complainant) from lefts and Challo and Sundra

Bai caught her from her arms. They took her to other house where Titu gave her beatings with the result that of two her teeth were dislocated. Thereafter, Major Singh alias Bhola gave a blow of iron rod on her finger. In the meantime, Kartar Singh alias Titu gave a dang blow on the leg of the complainant. Whereas, other persons gave her beatings. They also raised out her modesty. In the meantime, people gathered at the spot and her daughter brought her back with the help of other persons. The motive behind this act of the applicant was that regarding the property dispute as the applicant/ accused party wanted to take forcibly possession from the complainant side. Now the police had added the offence punishable under Sections 459/325/365/148 of IPC vide rapat No.17 dated 17.05.2018.

4. The counsel for the applicants has contended that applicants had been falsely implicated in the present case. He has further contended that there was unexplained delay and consideration delay in lodging the aforesaid FIR, as the alleged occurrence was of dated 08.06.2017 at about 1:00 PM and the FIR had been registered on 09.06.2017 at about 2:10 PM, which falsifies the story of the prosecution. He has further contended that from the contents of the

FIR, no offence under Sections 379/354(B)/436/459/365 IPC were made out against the applicants and the same had been added being non bailable offences. No specific role had been attributed to the applicants. He has further pointed out that now the applicants came to know that at the time of presentation of challan before the lower court, the police of PS Sadar Ferozepur added the offence under Section 459/365/148 in the above noted case. The applicants had never committed any offence at any point of time.

5. On the other hand learned Additional PP for the State has contended that serious allegations have been levelled against the applicants. So, the applicants were not entitled to the concession of regular bail.

6. I have considered the submissions made by the counsel for the applicants as well as learned Additional PP for the State and also gone through the record on file.

7. After perusing the entire material available on record and arguments of the learned Additional Public Prosecutor for the State and learned counsel for the applicants, I am of the considered opinion that the present bail application deserves to be allowed. Admittedly, the

applicant have already granted bail vide order dated 17.11.2017 by the Hon'ble High Court under Sections 379/448/427/511/354-B/436/325/323/149 of IPC. Now the challan has been presented under Sections 379/448/459/427/511/354(B)/365/436/325/323/148/149 of IPC. Since the applicants have already been granted bail under the main offences. In these circumstances, the applicants are held entitled to the bail. The application under reference is, hereby, allowed and the applicants are ordered to be released on bail on furnishing bail bonds/surety bonds on the satisfaction of learned Illaqa-cum-Duty Magistrate. So without commenting on the merits of the case, the accused-applicant is hereby directed to surrender before the trial court/Duty Magistrate and that on his surrendering he will be admitted on bail on furnishing bail bonds on the satisfaction of the learned Illaqa/Duty Magistrate.

8. The bail application be put up on 21.08.2018 for awaiting the compliance report.

Pronounced

Dt:08.08.2018

Next date: 21.08.2018

(Rakesh Kumar)
Additional Sessions Judge,
Ferozepur