

**In the Court of Rupinderjit Chahal,
Sessions Judge, Jalandhar. (UID No. PB00054)**

CIS No. BA-1591-2021

CNR No. PBJL010043692021.

Date of Institution. 15.4.2021.

Date of Decision. 16.4.2021.

Dilawar Singh, aged about 47 years, son of Bhulla Ram, R/o H.No.10/1,
Sant Nagar, Mangu Basti, Jalandhar.

----Applicant.

Versus.

State of Punjab.

-----Respondent.

FIR No. 38 dated 11.03.2021.

Under Sections 452,506,427,148,149 IPC

Police Station Division No.5, Jalandhar.

First application for bail under Section 438 Cr.P.C.

Present: Shri G.S.Grover, Advocate, counsel for applicant.
Shri Maneet Duggal, Addl. Public Prosecutor for the State.

ORDER

1. This order of mine shall dispose of an application for anticipatory bail filed under Section 438 of the Code of Criminal Procedure, on behalf of applicant-accused Dilawar Singh, in case FIR No. 38 dated 11.03.2021, under Sections 452,506,427,148,149 of the Indian Penal Code, Police Station Division No.5, Jalandhar.

(Rupinderjit Chahal), Sessions Judge, Jalandhar/ 16.04.2021

2. The FIR in the present case was lodged on the statement of Binder @ Vicky son of Bagga Ram, wherein he has stated that on 10.03.2021 at about 11:30 p.m. he was sleeping in his house along with his family members and the main gate of the house was knocked. He opened the gate and saw that applicant-accused Dilawar Singh along with Mani @ Jamba and Lally along with 6-7 unidentified persons, armed with 'kirpans', 'dattar' and baseball bats, were standing in the street. All these persons forcibly entered his house. Out of fear, he entered his bed room and bolted the mesh door from inside. All the accused gave 'kirpan' blows on the mesh door, broke the glass of the temple and also gave 'kirpan' blows on the main gate of the house. On hearing the noise, the people collected at the spot, whereupon accused ran away from the spot with their respective weapons. Motive behind the occurrence was that a few days ago, the accused had a dispute with his nephew and due to that accused attacked his family.

3. I have heard the learned counsel for the applicant-accused, learned Addl. Public Prosecutor for the State and have perused the record of the case.

4. The learned counsel for the applicant-accused has argued that applicant-accused is innocent and has been falsely implicated in the present case. He argued that accused has not committed any offence. He argued that earlier FIR No. 14 dated 29.01.2021 under Sections 307,148,149 IPC was registered at P.S. Bhargo Camp, Jalandhar against Mukul, Vicky, Johnu, Sunil @ Sheel, Ghuddu, Lucky and two unknown persons and in the said case

applicant-accused was an eye witness and in order to take revenge and put pressure upon the applicant-accused to resile from his statement in the said case, he has been falsely implicated in the present case. He further argued that no injury is attributed to the applicant-accused and as such, his custodial interrogation is not required for any purpose. He further argued that there is delay of about 14 hours in lodging the FIR and this delay has been utilized by the complainant to concoct a false story just to implicate the accused in the present case. He further argued that applicant-accused is ready to join the investigation of the case. Thus, a prayer has been made that benefit of anticipatory bail may kindly be extended in favour of the applicant-accused.

5. On the other hand, learned Addl. Public Prosecutor for the State has opposed the bail application by contending that applicant-accused has actively participated in the occurrence in question. He further argued that for the proper investigation of the case and for the recovery of the weapon of offence, the custodial interrogation of the applicant-accused is required. He prayed for dismissal of the bail application.

6. I have given my thoughtful consideration to the rival contentions of both the sides. As argued by the learned Addl. Public Prosecutor for the State, the allegations against the accused are quite serious and further for the recovery of weapon of offence, the custodial interrogation of the accused is necessary. Therefore, considering the allegations against the accused-applicant, the seriousness of the offence and the arguments advanced by learned Addl. Public Prosecutor for the State, the accused-

applicant does not deserve the concession of anticipatory bail.
Accordingly, the bail application stands dismissed.

7. Any observation made here-in-before shall not have any bearing on the merits of the case. Police record be returned. File be consigned to the Record Room.

Pronounced.
Dated: 16.04.2021.

(Rupinderjit Chahal)
Sessions Judge, Jalandhar.
UID No. PB00054

Makhan Singh, JW