

**IN THE COURT OF TARNTARAN SINGH BINDRA,
ADDL. SESSIONS JUDGE, LUDHIANA
UID NO.0199**

B.A. No.1555 dated 29.02.2020
CIS No.BA/1555/2020
CNR No.PBLD010-05248-2020
Date of Order: 16.03.2020

State Versus 1. Makhan Singh aged 36 years son of S. Lehmbhar Singh.

2. Balvir Kaur @ Beera aged 30 years wife of S. Makhan Singh.

Both residents of Village Mand Chaunta, Koom Kalan, District Ludhiana.

.....Applicants/Accused.

FIR No. 43 dated 23.02.2020
u/ss 323,341,354-B,506,148,149 IPC
P.S. Koom Kalan, Ludhiana.

Bail Application under section 438 Cr.P.C.

Present: Sh. Lakhvir Singh, Advocate for applicant / accused.
 Sh. Ganesh Chand, Additional Public Prosecutor for State assisted by Sh. N.D. Chopra, Advocate for complainant.

ORDER

The brief facts of the case, which require consideration for disposal of the present bail application are that FIR in question was registered against accused/applicants and others on statement of complainant, XXX¹ (hereinafter called *prosecutrix* for the sake of brevity). In her statement, the prosecutrix has mainly claimed that on 20.02.2020 at about 5.30 P.M, when she was returning home near forest, one Sukhdev Singh alias Bhura was sitting in car on the way. On seeing the prosecutrix, Sukhdev Singh above named, alighted from the car and caught hold prosecutrix from her arms. When he tried to take prosecutrix

¹ Name is not being mentioned in this order in compliance of provision contained in Section 228A of IPC and directions of Hon'ble Supreme Court in of *State of Karnataka Vs. Puttraj* (2004 (1) SCC 475).

towards trees, she resisted him. Sukhdev Singh started beating prosecutrix and torn her shirt. He scratched breast of prosecutrix on which she raised hue and cry which attracted her father-in-law Janak Singh on the spot. Janak Singh tried to rescue prosecutrix from the clutches of Sukhdev Singh, but he gave injuries to Janak Singh. Prosecutrix and Janak Singh raised hue and cry which attracted other family members on the spot. In the meanwhile, accused / applicants and their associates reached the spot and they attacked complainant party and caused injuries to them. Thereafter, they decamped from the spot. Now, apprehending their arrest, accused / applicants have filed present bail application.

2. I have heard the Ld. Counsel for the applicant and Ld. Addl.P.P for the State.

3. From the perusal of record, it transpires that as per version of the prosecutrix, the occurrence took place in two parts. First occurrence involves accused Sukhdev Singh against whom allegations of outraging modesty of prosecutrix have been levelled by her. In second part, it is being claimed that accused/applicant and their associates have caused injuries to prosecutrix and her family members. Undisputedly, none of the accused/applicant has been levelled any specific attribution. They have also not been attributed allegations which constitute offence under Section 354-B of Indian Penal Code. None of the injuries on the person of complainant party has been found to be grievous in nature. All offences except offence under Section 354-B of IPC are bailable in nature. In application itself, the prosecutrix has claimed that there is land dispute between the parties. In the considered opinion of this court, when there is no allegation of offence under Section 354-B IPC against accused/applicants and

moreover, when the alleged offence was committed, none of the accused/applicant was present, thus, their whose presence is required for completion of investigation. Therefore, it is a fit case where accused/applicants can be given an opportunity to join investigation in this case. Resultantly, the accused/applicants are ordered to join investigation with the Investigating Officer on 20.03.2020 at 11.00AM, who shall release them on interim bail in the sum of Rs.50,000/- with one surety each in the like amount. Now to come up on 23.03.2020, for awaiting the outcome of investigation.

Sd/-

Pronounced in Open Court
16.03.2020
Vijay Kumar Steno

Tarntaran Singh Bindra
Addl. Sessions Judge,
Ludhiana, UID No.PB-0199

BA 1555 Makhan Singh and another Vs. State of Punjab

Present: Sh. Lakhvir Singh, Advocate for applicant / accused.
 Sh. Ganesh Chand, Additional Public Prosecutor for State assisted
 by Sh. N.D. Chopra, Advocate for complainant.

 Sh. N.D. Chopra, Advocate appeared and filed memo of appearance
on behalf of complainant, which is placed on file. Police record produced.
Arguments on bail application, heard. Vide my separate detailed order of even
date, the present bail application stands allowed. Police record be returned. Now,
the case is adjourned to 23.03.2020 for awaiting the outcome of investigation.

Sd/-

Pronounced in Open Court
16.03.2020
Vijay Kumar Steno

Tarntaran Singh Bindra
Addl. Sessions Judge,
Ludhiana, UID No.PB-0199