

**In the court of Shri Jagdeep Singh Marok,
Additional Sessions Judge-1, Ludhiana.
(Unique Identification Code No. PB-0074)**

BA No. 15724/2020
CNR No. PBLD01-017815/2020
Date of Order: 20.11.2020

State	Versus	Mohit Thakur son of Sh. Ashok Kumar, resident of House No.17, Gali No.2, New Beant Vihar, Noor Wala Road, Ludhiana.
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FIR No.130 dated 12.10.2020
U/s. 307, 379, 341, 323, 324, 506, 148, 149, 506 IPC
P.S. Meharban, Ludhiana.

(Bail application under Section 439 Cr.P.C.)

Present: Sh. Jagdeep Sehgal, Adv. for the applicant.
Sh. Harkirat Singh, Addl. PP for the State.

Order

Heard on the application having been moved by applicant seeking grant of regular bail in terms of the provisions of section 439 Cr.P.C. in the above mentioned case.

2. In the application, it has been alleged that the applicant has been falsely implicated in this case. No offence has been committed by the applicant. The applicant was not present at the spot at the time of alleged incident. The applicant is in judicial custody since 15.10.2020. There is delay of 24 hours in lodging the FIR. Nothing is to be recovered from the applicant. The ingredients of offence as alleged by the complainant are not attracted against the applicant. It has been submitted that the complainant is an influential person and the applicant has been falsely implicated in this case at the instance of the said complainant. The presentation of challan and conclusion of trial is

likely to take some more time and no useful purpose would be served by detaining the applicant more in judicial custody. So, ultimate plea is that the applicant may be granted the concession of regular bail.

3. Pursuant to the notice given to the State, record has been received. Shri Harkirat Singh, Additional Public Prosecutor for the State appeared and contested the claim of the applicant with the plea that the applicant was involved in the commission of alleged offence and under these circumstances, keeping in view the nature and gravity of offence, the applicant may not be granted the concession of bail.

4. I have given thoughtful consideration to the respective submissions of both sides and gone through the record on file.

5. The allegations against the applicant are that he had used sharp edged weapon for the infliction of injuries on the head of injured. The allegations against the applicant for the purpose of infliction of injuries on the vital part of body of injured are serious in nature. The applicant had actively participated in the commission of alleged offence and he was having intention to do the same. From the story of prosecution, the ingredients of offence are straightway attracted against the applicant.

6. Reliance can be placed on the observations made in **State of U.P. through CBI V. Amarmani Tripathi (2005) 8 SCC 21**, it has been laid down as under: *It is well settled that the*

matters to be considered in an application for bail are (I) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the charge; (iii) severity of the punishment in the event of conviction; (iv) danger of the accused absconding or fleeing, if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being tampered with and (viii) danger, of course, of justice being thwarted by grant of bail.

7. Moreover, there are specific allegations against the applicant qua having caused injuries to the injured with a sharp edged weapon. Therefore, at this stage, this Court does not find any ground to grant to the applicant the concession of regular bail. The injuries attributed to applicant are altogether different as compared to the allegations of infliction and injuries attributed to other accused Alka Devi, Malka Devi and Gulshan. Therefore, there is no parity between the applicant and his co-accused Alka Devi, Malka Devi and Gulshan so far as the grant of concession of bail is concerned. So in view of the nature and gravity of the offence for the commission of which the sharp edged weapon was used by the applicant to inflict the injuries on the vital part of the body of the injured, the applicant is not entitled to grant of concession of regular bail.

Thus, applying these considerations and keeping in view the facts and circumstances of the case, this court is constrained to hold that applicant does not deserve the grant of concession of bail. Resultantly, the application in this regard moved by the applicant is without any substance and the same is hereby dismissed without expressing any opinion on the merits of the case. Record be returned forthwith. File be consigned to the record room.

Pronounced;
Dt; 20.11.2020

Ajay Sarin, SG/II

(Jagdeep Singh Marok)
Addl. Sessions Judge-1,
Ludhiana (UID No.PB 0074)