

CIS No.BA/1572/2020

CNR No. PBFZ010030282020.

Rajiv Kumar alias Dr. Ravi Kumar etc Versus State of Punjab.

Present. Sh. Lovepreet Singh Sandhu, Advocate counsel for the applicants/accused.
Sh. Balwinder Singh, Addl. PP for State.
(Both Through VC Link)

The present bail application presented before the undersigned being Duty Judge.

2. The present bail application under Section 438(i) Cr.P.C. filed being urgent in nature by the applicants/accused **Rajiv Kumar alias Dr.Ravi Kumar** aged 49 years son of Gursharan Dass, **Rajesh Kumar** aged 37 years son of Ashwani Kumar and **Shiv Kumar** aged 32 years son of Ashwani Kumar all residents of Ahuja Street, Ward No.5, Makhu, Ferozepur, in FIR No.104 dated 28.07.2020 PS Makhu under Sections 452/324/148/149 of IPC, through their counsel for grant them anticipatory bail.

3. It is averred in the application that the above noted case against applicants/accused is false and baseless. No offence is made out against the applicants/accused from the contents of the FIR. On 30.06.2020 complainant admitted the fact in the above said FIR the dispute between them and Shiv Kumar, Rajesh Kumar, Ashwani Kumar and at that time Ashwani Kumar, Shiv Kumar, Rajesh Kumar, admitted at Hospital, Makhu, but medical officer of Makhu referred to Civil Hospital, Zira and the treatment was done by the doctor and MLR was conducted. At that time respectable of society entered and settlement between the parties for compromise and intervention of respectable of society a compromise between the parties on 11.07.2020

and the same was signed by both the parties and applicant/accused Dr.Rajiv Kumar and other society members signed compromise as a witness. Applicant/accused Shiv Kumar registered a rapat No.35 dated 29.07.2020 at PS Makhu under Sections 452/324/323/148/149 of IPC against the complainant Sanjeev Kumar son of Ashok Kumar and Pardeep Kumar alias Deepa son of Darshan, Lovish son of Pardeep Kumar, Ashok Kumar son of Darshan Lal, Aman son of Vinod Kumar and 4/5 unidentified persons, but police did not take any against against said Sanjeev Kumar etc. There is an unexplained delay of 1 day for registration of the FIR. The present FIR has been registered against applicants/accused due to political vendetta. Applicant/accused have never committed any such offence at any point of time nor there is any iota of evidence on record against applicants/accused to connect them with the alleged crime. Hence, the present bail application with prayer to grant bail to them.

4. Upon notice, Sh. Balwinder Singh, Additional PP for State has appeared on behalf of the State-respondent and contested bail application. Police record was summoned and perused.

5. Learned counsel for applicants/accused has contended as per the lines as mentioned in the bail application. He further contended that custodial interrogation of the applicants/accused is not required and the applicants/accused will not misuse the concession of the bail, if so granted by the Court and shall abide by all the conditions which may be imposed by the Court . It was prayed that application be allowed.

6. On other hand, learned Additional PP for the State has argued that Serious allegations are levelled against the applicants/accused. It was prayed that application be dismissed.

7. This Court has heard counsel for the applicants/accused, learned Additional PP for the State and have gone through the record on file.

8. Perusal of the record, it has been revealed that the present FIR has been registered on the basis of statement of Sanjeev Kumar son of Ashok Kumar recorded on 28.07.2020. The allegations against applicants/accused are that they formed an unlawful assembly and forcibly entered into the house of complainant Sanjeev Kumar on 27.07.2020 at about 10:15 PM and caused injuries to him. At the time of occurrence, the applicants/accused Rajesh Kumar was having baseball, Dr. Ravi Kumar was having rod and Shiv Kumar was armed with baseball. Non applicant Ashwani Kumar was having kapa. The injury has been attributed to non applicant Ashwani Kumar who has already been arrested in the present case. The only allegations against applicant Dr. Ravi Kumar is that he pulled complainant from his hairs and other applicants/accused kicked him.

9. So, taking into consideration the above facts and circumstances of case, and without commenting upon the merits of the case, this Court is of the considered view that it is the fit case to grant relief of bail to applicants/accused and as the custodial interrogation of the applicants/accused is not required and they are ready to join the investigation and undertook to cooperate the Investigating Officer, accordingly applicants/accused- aforesaid shall be admitted to interim bail to the satisfaction of the Investigating Officer in the event of their arrest, on or before 14.08.2020 with the following conditions:-

- (i) That applicants/accused will continue to join investigation as and when required;
- (ii). The applicants/accused will not directly or indirectly, make any inducement, threat or promise to any person acquainted with the

facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

- (iii) That applicants/accused will not leave the Country without prior permission of this Court.
- (iv) The applicants/accused shall not commit an offence similar to the offence of which they are accused or suspected of the commission of which they are suspected.

10. Report of the Investigating Officer be called for 14.08.2020. Police record returned. Papers be sent back to the concerned Court/Duty Court for the date fixed.

Pronounced in the Open Court.

Dated.10.08.2020.

Dalip Goyal,
Stenographer Grade II.
Direct Dictation.

(Rajni Chhokra)
Additional Sessions Judge,
Fast Track Court,
Exclusively dealing with Rape Cases,
Ferozepur. UID No.PB-0168 (Duty)