

**IN THE COURT OF SHRI K. K.JAIN, ADDITIONAL
SESSIONS JUDGE, LUDHIANA.**

CNR PBLD01-017904-2020

CIS No.BA / 15744 / 2020

Decided on : 27.11.2020

State Versus Davinderpal Singh Bhola S/o Amarjit Singh
R/o House No.1238, Ward No.38, Near Baba
Than Singh Nagar Gurudwara, Dhokan
Mohalla Ludhiana.
.....Applicant/Accused.

FIR No.170 of 27.07.2020

U/s 342,323,324,506,148,149 IPC and

Lateron added Section 326 IPC.

P. S. : Division No.3, Ludhiana.

**Bail Application Under Section 438 Cr.P.C. for the
grant of anticipatory bail.**

Present : Sh.Vikram Singh, Adv., Counsel for the applicant/accused
Ms Ramandeep Kaur Gill, Ld. Addl. PP for the State.
Proxy counsel on behalf of Sh. P. S. Ghuman, Adv.,
Counsel for complainant.

ORDER

Heard on the bail application filed on behalf of applicant/accused under section 438 Cr.P.C for bail, whereby it is submitted by the Ld. Counsel for the applicant that the applicant is law abiding citizen and never indulged in any nefarious activities throughout his life. It is further submitted that a false case has been registered against the applicant/accused at the instance of the complainant. The applicant has not committed any offence as alleged in the FIR. In fact, co-accused namely Jaspreet Singh alias Rinkle inflicted injury on the person of non-applicant Harvinder Singh alias Lucky with his weapon on his head with intention to kill him and other co-accused also caused injuries on the person of Harvinder Singh alias Lucky. The local police did not listen to the applicant/accused and did not register case against the husband of the complainant as they are hard core criminals and more than 28 FIRs have been registered against the husband of the complainant namely Manpreet Singh alias Sanju

under different Sections in different police stations. Now the local police is raiding the house of the applicant/accused in order to arrest him. The applicant/accused undertakes to join the investigation and cooperate with the same. Presentation of challan and conclusion of trial will take sufficient long time. The applicant undertakes not to flee from justice and further undertakes to abide by all the terms & conditions as imposed by this court. Accordingly, prayer is made for allowing the present bail anticipatory application.

2. Upon notice Ld. Addl. PP for the State put in appearance on behalf of State and although reply to the application is not intended to be filed by the State, however, the bail application is hotly contested by the Ld. Addl.PP for the State assisted by learned counsel for the complainant and the contention of Ld. Addl. PP for the State is that the present accused/applicant deserve no concession of anticipatory bail as serious allegations are there against him/them. Accordingly, request is made for dismissal of the present bail application.

3. I have heard learned counsel for the applicants/accused as well as learned Addl.PP for State and have gone through the record. The present FIR was registered against the applicant and the other accused on the statement of complainant Jaspreet Kaur W/o Manpreet Singh @ Sanju, resident of Street No.3, Dhoka Mohalla, Ludhiana, wherein she stated that she was married to Manpreet Singh twenty one years ago. Her husband is a junk dealer. Complainant's family and the family of their neighbor Jaspreet Singh @ Vinkle and his younger brother Rupinderpal Singh sons of Manjit Singh are in good terms. A little ahead of house of the complainant, there is house of Harwinder Singh @ Lucky, who used to do work of selling Liquor. Complainant's family and other people of their Mohalla, tried to stop him from doing this work and to lodge a complaint against said Harwinder Singh @ Lucky, the complainant and others went to P. S. Division No.3, Ludhiana, where they met Reader of SHO of said police station, who stated that due to COVID-19 pandemic, lockdown has been ordered in

that area and their statements shall be recorded after sometime. When they (complainant party and other mohalla people) returned home at about 12.20 pm, then Harwinder Singh @ Lucky and his brother Soni started making video while standing in front of the house of the complainant and when the complainant asked the reason for doing so, then Harvinder Singh @ Lucky and his brother Soni encircled her, slapped her and her clothes were torn by them and also started arguing with her which attracted their neighbors Jaspreet Singh and Manpreet Singh, who asked the accused persons as to why they were arguing with a lady. At this, Harvinder Singh @ Lucky, his brother Soni and his nephew started giving beatings to the complainant party and also threw brick bats towards complainant party. Soni gave base ball bat blow, his nephew gave Datar blow, Bhola gave base ball blow on the person of Jaspreet Singh. Soni also gave beatings to them. Lucky was having sword and its blows were given to Rupinderpal Singh on his right hand. Complainant party raised alarm. Many persons of the locality gathered there and thereafter, all the assailants fled away alongwith their respective weapons from the spot while giving threats to kill the complainant party. Bhola alongwith some unknown persons also gave beatings to Manpreet Singh, husband of complainant, while entering in CMC Hospital, who were saved by the employees of CMC Hospital from the clutches of the accused persons. The injured were admitted in CMC Hospital. In the report of Rupinderpal Singh, one injury with sharp edged weapon has been shown to have been inflicted on his person and on the basis of which initially a case under Sections 341, 323, 324, 506, 148 & 149 IPC has been registered and offence U/s 326 IPC was added lateron. Prayer has been made to take action against the accused persons.

4. Today ASI Madan Lal, No.931/LDH, now posted at PS Division No.3, Distt. Ludhiana, appeared alongwith the record and also suffered statement to the following effect :

“ Stated that the present case was registered on statement of

Jaspreet Kaur. The applicant Davinderpal Singh @ Bhola is the neighbour of complainant Jaspreet Kaur. Davinderpal Singh @ Bhola has caused injury on the right hand of Rupinderpal Singh by means of Datar. The injury specifically attributed to the applicant is grievous in nature. As per record no other criminal case found to be registered against the applicant.”

5. After considering the rival contentions of the parties and going through the record carefully, this court is not convinced with the submissions of Ld. Counsel for the applicant. Keeping in view the totality of the facts of the present case and statement of ASI Madan Lal of P. S. Division No.3, Ludhiana, the injury specifically attributed to applicant Davinderpal Singh, which has been caused by him on the right hand of Rupinderpal Singh by means of Datar, is grivous of nature. In this way, offence U/s 326 IPC is made out against the applicant/accused. Keeping in view the above facts of the case, without commenting anything qua merits of the case, this court is of the opinion that custodial interrogation of the applicant/accused is necessary to recover the weapon of offence. As such, accused/applicant Davinderpal Singh is not entitled to concession of anticipatory bail in the present case and accordingly the application in hand is hereby dismissed. However nothing observed herein above shall be considered to be an expression of opinion by the Court on the merits of the case. Police record be returned. File be consigned to the record room.

Sd/-

Pronounced in the open court: (K.K.Jain)(UIDPB0163)
Dt. 27.11.2020 Addl. Sessions Judge, Ludhiana.

Mukesh Kumar, Stenographer-I