

**IN THE COURT OF PARMINDER SINGH RAI,
ADDL. SESSIONS JUDGE, GURDASPUR**

Bail Application No. 409 of 23.05.2022
CIS No.BA/1574/2022
CNR No. PBGD01-003676-2022
Date of Decision: 31.05.2022

Kulbir Singh son of Ajit Singh, resident of Village Kot Todar Mal,
Police Station Qadian, Tehsil Batala, District Gurdaspur.

.....Petitioner

Versus

State of Punjab.

.....Respondent.

FIR No. 32 Dated 28.04.2022
U/Ss 326, 324, 323, 34 IPC,
Police Station: Qadian.

Application for bail under Section 438 Cr.P.C.

Present: Sh. M.S. Samra, Advocate, counsel for petitioner.
Sh. Kiran Kumar, Ld. Addl. P.P for the State.

ORDER

1. Present petition has been filed by petitioner seeking pre-arrest bail under Section 438 of Cr.P.C. for the alleged commission of offences as mentioned above.
2. Upon notice, learned Additional P. P put in appearance on behalf of State and contested the bail application. Police record as requisitioned and perused.
3. It is submitted by learned counsel for petitioner that the petitioner is innocent and he has been falsely implicated in this FIR. There is a delay of 6 days in the registration of present FIR. As per

FIR, the alleged injury is on non vital part of the body of complainant. Moreover, the matter has been compromised between the parties with the intervention of respectable persons of the village. Petitioner is ready to join investigation and to cooperate in the same, so he may be admitted to pre-arrest bail.

4. On the other hand, it is submitted by learned Addl. P. P. that the allegations against the petitioner are serious in nature. The custodial interrogation of petitioner is required for further investigation of the present FIR, as such, present bail application is liable to be dismissed.

5. I have considered rival contentions of learned counsel for petitioner as well as of learned Additional Public Prosecutor and also perused the record.

6. Present FIR was registered on the statement of Hari Singh with the allegations that on 22.04.2022, at about 6:30 p.m, Kulbir Singh armed with datar, Jasbir Singh armed with handle of spade, Harpinder Kaur empty handed and Rajwinder Kaur were present at Kot Toddar Mall, Qadian by blocking the road. Accused Kulbir Singh raised a lalkara to teach him a lesson for demanding back borrowed money. Accused Kulbir Singh gave a blow with dattar towards his head and he raised left hand to ward off the blow but said blow hit on his thumb, his thumb was cut and dattar hit on his head. Accused Kulbir Singh again gave a blow with datar which hit on his

right shoulder. He fell down on the ground. While he was lying on ground, accused Kulbir Singh gave a third blow with dattar which hit on bottom of his right feet. When he tried to run, accused Harpinder Kaur fallen him on ground and she started kicking him. Then, accused Jasbir Singh started beating him with handle of spade. On raising alarm, all accused fled away from the spot with their respective weapon.

7. As per allegations contained in FIR, petitioner amputated the thumb of complainant by hitting the same with sharp edged weapon i.e. dattar. The allegations are quite serious in nature. Petitioner had been actively participated in giving injuries to complainant/injured. So, given these facts that offence are serious in nature and that even recovery of weapon is required to be effected. Custodial interrogation would be required. Hence, present bail application is hereby dismissed. Police record be returned. Record of this bail application be consigned to record room.

Pronounced in open court.
Dt: 31.05.2022
Gurpreet Singh, Stenographer-II

(Parminder Singh Rai)
Addl. Sessions Judge,
Gurdaspur.UID No.PB00175

Present: Sh. M.S. Samra, Advocate, counsel for petitioner.
Sh. Kiran Kumar, Ld. Addl. P.P for the State.

Police record produced. Arguments heard. Vide my separate detailed order of even date, present bail application has been dismissed. Police record be returned. Record of this bail application be consigned to record room.

Pronounced in open court.
Dt: 31.05.2022
Gurpreet Singh, Stenographer-II

(Parminder Singh Rai)
Addl. Sessions Judge,
Gurdaspur.UID No.PB00175