

In the Court of Sh.Rakesh Kumar Sharma
Addl. Sessions Judge, Tarn Taran.
(UID No.PB0133)

CIS No. BA 1565-2022

Decided on: 21.07.2023

Harpal Singh son of Mangta Singh, resident of village Chhian Bidhi Chand, Tehsil and District Tarn Taran.

..... Applicant

Versus

State of Punjab

FIR No. 62 dated 20.04.2023 Under Sections 323, 324, 326, 34 IPC Police Station City Patti.
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Present: - Sh. Jagdeep Mehta, advocate, counsel for the accused/applicant
Sh. Ashok Kumar, APP for the State assisted by Deepak Arora, advocate, counsel for the complainant.

ORDER

ASI Narinder Singh of police station City Patti has produced the police record after lunch.

2. This order of mine shall dispose of anticipatory bail application filed on behalf of the applicant Harpal Singh on the grounds that he is innocent and has been falsely implicated in the present case. There is unexplained delay of two days in lodging the FIR. The above mentioned case is version and cross version and the opposite party is aggressor party. Nothing is to be recovered from the possession of the present applicant. He is ready to join the investigation.

3. Brief facts of the present case are that present FIR has been registered at the instance of Mehal Singh son of Satnam Singh to the effect that he is resident of Garden Colony Ward no. 19 near Haven Palace Patti and engaged in agriculture work. On 18.04.2023 at about 5:30/6:00 p.m. Gurjant Singh armed with datar, Jaspreet Kaur wife of Gurjant Singh,

mother of Gurjant Singh whose name not known by the complainant, Harpal Singh, Amandeep Kaur wife of Harpal Singh were present for compromise and during the course of compromise Gurjant Singh called bad names to the daughter of Dilbag Singh and tense created between the parties and the respectables were tried to pacified the matter. In the meanwhile, Maninderjit Kaur was having a mobile phone and Gurjant Singh and his wife Jaspreet Kaur have taken the wife of the complainant inside the room on the pretext of making videography but she was physically assaulted and also beaten up. When the complainant went to save his wife then Jaspreet Kaur bolted the door from inside and scuffle took place with Gurjant Singh and thereafter the complainant was thrown on the Sofa and datar like instrument was used for the commission of offence on the left arm. The said injury was caused by Harpal Singh and one injury on the person of complainant was found to be grievous in nature. Wife of the complainant was taken to hospital where she was medically treated.

4. Learned counsel for the applicant has contented that the injury on the head of complainant is not sharp edged injury nor the same is grievous. Anticipatory bail application of co accused namely Jaspreet Kaur, Amandeep Kaur and Daljit Singh has already been granted by the Hon'ble High Court. Moreover, cross version was also registered in which the application was moved at the instance of Jaspreet Kaur one of the accused of the present case. Jaspreet Kaur and others were also injured in the present case and MLR was also conducted in the said cross version. It is also submitted that the injury no. 1 which was declared grievous by the board of doctors constituted had opined that the injury could be suffered

with friendly hand. Rest of the injuries are of simple injury. The injury which grievous is on the waist that to with sharp edged weapon and injury no. 2 and 3 attributed to Gurjant Singh. He is ready to join the investigation.

5. On the other hand, learned APP for the State has strongly opposed the bail application on the grounds that Harpal Singh had caused injury on the head of Mehal Singh. It is also contended that the first opinion of the doctor is consider and subsequent opinion of the doctor is not consider. Weapon used in the commission of offence is yet to be recovered as the custodial interrogation of the present applicant is necessary . Therefore, bail application may kindly be dismissed.

6. After having heard learned counsel for the accused/applicant and learned APP for the State, this court is of the view that weapon used in the commission of offence is yet to be recovered and as such, custodial interrogation of the present applicant is necessary. Further more, this court has already dismissed the anticipatory bail application of co accused namely Jaspreet Kaur, Amandeep Kaur and Daljit Singh. Therefore, I find no merit in the present application and the same stands dismissed. File be consigned to the record room.

Pronounced
21.07.2023

Rajinder Kumar JW

(Rakesh Kumar Sharma)
Addl. Sessions Judge Tarn Taran.
(UID No.PB0133)