

**IN THE COURT OF ATUL KASANA,
ADDITIONAL SESSIONS JUDGE, MOGA.
(UID No.PB0085).**

CNR No.PBMO010036142021

CIS No.BA. 1477 of 2021

Decided on: 30.07.2021

State of Punjab

Versus

Karan Singh alias Karanvir Singh son of Kala Singh alias Kartar Singh
resident of Bukanwala Road, Charan Singh Basti, Moga District
Moga.

.... Applicant/Accused

FIR No.160 dated 18.07.2021

U/S: 452,,323,148,149 IPC

P.S. City South Moga.

Bail application under Section 438 Cr.PC for grant of bail

Present : Sh.Munish Majithia, Advocate counsel for the applicant-
accused

Sh. Sahib Singh Addl.PP for State

ORDER

1. This order of mine shall dispose of bail application under Section 438 Cr.PC filed by applicant-accused named above in case FIR No.160 dated 18.7.2021, under Sections 452, 323,148,149 IPC P.S. City South Moga.

2. Notice of the bail application was issued to the State and have perused the record.

3. Learned counsel for the applicant-accused submits that accused-applicant has been falsely implicated in the present case and there is a delay of 6 days in registration of FIR as alleged occurrence happened on 12.7.2021 and FIR was registered on 18.7.2021. He

Atul Kasana,
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further submits that no overt-act has been attributed to applicant-accused and no alleged injury has been attributed to applicant-accused and his custodial interrogation is not required. It was contended that nothing is to be recovered from the possession of the accused-applicant and that the applicant has since joined the investigation. On these submissions, a prayer for acceptance of the bail application was made.

4. On the other hand, learned Addl.P.P for State opposed the bail application and submits that the accused-applicant had actively participated in the occurrence and caused injuries on the person of complainant with iron rod. It is however submitted that applicant-accused has since joined the investigation.

5. I have considered the submissions of Ld counsel for the applicant as well as Learned PP for State and have perused the record.

6. The present case has been registered against the applicant/accused at the instance and on the statement of complainant Harjinder Singh. It is in accusations that on 12.7.2021 at about 10:30 PM complainant after taking meal was lying in his home, then his neighborer Kala son of Ajit Singh, his son Karan son of Kala Singh , Nishan son of Gian Singh, Paramjit Kaur wife of Nishan Singh came in front of his house and entered the house by knocking on the door. They started beating his brother Rajwinder Singh with their respective sticks, swords and iron rod. Present applicant-accused also came to his house alongwith unidentified persons and they were also armed with weapons. Applicant-accused gave a iron rod blow on backside of his head and Kala Singh gave iron rod blow on his nose. On hearing hue and cry of complainant and his brother, Sikander Singh came at the spot and accused fled away from the spot.

7. The allegations against the accused/applicant are that he was the member of the party who attacked on the complainant and his brother and the injury on the person of complainant with iron rod has been attributed to present applicant-accused which was lateron stated to be sample in nature. All offences areailable except offence under

section 452 of IPC. As per statement suffered by ASI Jaswinder Singh, accused/applicant has since joined investigation and that his custodial interrogation is not required. It is yet debatable if any the accused/applicant was involved in commission of any such offence or not. Keeping in view the entire facts and circumstances, custodial interrogation of the accused-applicant is not required. Thus, without commenting on the merits of the case and keeping in view the entire facts, interim bail granted to accused/applicant vide order dated 26.07.2021 is hereby confirmed and made absolute subject to following conditions:

- i. The applicant shall join the investigation as and when asked by the Investigating Officer.
 - ii. The applicant shall not tamper with the prosecution evidence.
 - iii. The applicant shall not leave the country without prior permission of the court.
8. The anticipatory bail application accordingly stands allowed. Intimation be sent to SHO of concerned police station. Police record be returned forthwith, while file of this court be consigned to Record room.

Date of order:30.07.2021

(Sushil Bajaj, Stenographer G-II)

**(Atul Kasana),
Addl. Sessions Judge,
Moga. (UID No.PB-00085)**

Atul Kasana,
ASJ/Moga