

PBGD010038752024



Presented on : 04-05-2024
Registered on : 06-05-2024
Decided on : 20-05-2024
Duration : 0 years, 0 months, 16 days

**IN THE COURT OF
ADDITIONAL SESSIONS JUDGE,
AT ,Gurdaspur
(Presided Over by Sh. Raman Goklaney)**

BA/1604/2024

Tejbir Singh son of Sukhwinder Singh, resident of Kot Budha, Sekhwan,
Tehsil Batala, District Gurdaspur.

...Applicant/accused.

Versus

State of Punjab.

...Respondent.

Application for bail U/s 439 of Code of Criminal Procedure.

FIR No 40 dated 30.04.2023.

Under Sections : 379-B, 326, 323, 324, 379, 34 IPC.

Police Station : Sekhwan.

Present : Sh. Rajiv Bhatia, Advocate, for the applicant.

Sh.Bikramjit Singh, Additional Public Prosecutor for State.

O R D E R:-

This order shall dispose off the first regular bail application filed under Section 439 of Code of Criminal Procedure (hereinafter to be referred as Cr.P.C.) by applicant-accused in case FIR No.40 dated 30.04.2023 under Sections 379-B, 326, 323, 324, 379, 34 IPC registered at Police Station Sekhwan, District Gurdaspur.

Raman Goklaney,
Additional Sessions Judge, Gurdaspur
Dated 20.05.2024.

2. Upon presentment of bail application notice of the bail application issued to the State and in pursuance thereof, Sh. Bikramjit Singh, learned Additional Public Prosecutor has put in an appearance on behalf of the State assisted by learned counsel for complainant. Today, police record received and perused. Learned counsel for accused-applicant, learned Additional Public Prosecutor for State heard.

3. The facts, in brief, necessary for disposal of the instant bail application are that FIR in question registered on the statement of Shamsheer Singh son of Kashmir Singh, who stated that on 24.04.2023, at about 5:30 P.M. , he had gone to focal point ground, Sekhwan for playing. At about 6:20 P.M. he was coming back to his house via Sekhwan but Stop and when he reached near Mittarmaan brick kiln , then motor-cycle came from his backside, which was driven by his uncle Sukhwinder Singh and his son Tejbir Singh, who was sitting as pillion rider. It is alleged that Tejbir Singh was carrying datar with him and Sukhwinder Singh kept datar in the handle of motor-cycle. By coming close to him Tejbir Singh gave datar blow on his left side of the head which hit near his left ear. He got imbalanced and fallen on the road. Thereafter, Tejbir Singh caught hold of him and gave two datar blow to him hitting on his hand when he raised his h and to save himself. While he was lying on the ground, then accused Sukhwinder Singh gave two datar blow hitting on his right and left foot. Thereafter, Tejbir Singh gave two datar blow hitting on his arm and when he raised alarm, then Tejbir Singh fled away after snatching the mobile phone. On these accusation, FIR in question registered.

4. Sh. Rajiv Bhatia, Advocate, learned counsel for the accused-applicant submitted that accused-applicant is in custody for the last more than one year and in the present case material witnesses have been examined and only official witnesses remained to be examined. He next submitted that co-accused has been granted concession of regular bail by Hon'ble High Court in CRM-M-41019-2023. Learned counsel next submitted that prosecution has cited 20 witnesses. Though witnesses and complainant have been examined, however, during the examination of other prosecution witnesses, the trial would take considerable time and keeping the accused-applicant behind the bars for indefinite period would not serve any purpose.

5. Per contra, Sh.Bikramjit Singh, learned Additional Public Prosecutor for State opposed the bail application assisted by Sh. Gurwinder Pal Advocate, by submitting that there are as many as 11 injuries upon the complainant and out of them three were grievous and the mode and manner in which the complainant has been thrashed, the accused-applicant is not entitled for grant of regular bail.

6. After hearing the rival contentions of the parties and from the perusal of the record, it emerges out that the complainant and eye witnesses in the present case have been examined completely. The left out prosecution witnesses are official witnesses. Accused-applicant is in custody for the last more than one year. Conclusion of trial would take considerable time and keeping the accused-applicant behind the bars for indefinite period would not serve any purpose. So, considering the custody and without commenting

upon the merits of the case, bail application stands allowed and accused-applicant is ordered to be released on bail on his furnishing bail bonds in the sum of Rs. 50000/- with one surety in the like amount subject to the following conditions:-

- i. That applicant-accused shall not undertake any action which is prejudicial to proceedings during the course of trial.
- ii. That applicant-accused shall attend all the dates during the trial unless prevented by any reasonable cause.
- iii. That applicant-accused neither personally nor through anyone make any attempt to influence the witnesses or tamper with the evidence.
- iv. That applicant-accused shall not leave India without the prior permission of the Court.
- v. The grant of bail is conditioned upon accused-applicant's diligent participation in the trial. This includes, but is not limited to, the timely cross-examination of witnesses and adherence to the Court's schedule. Failure to comply with these conditions, including any deliberate delay in proceedings, may result in the cancellation of bail and the accused-applicant would be sent to judicial custody.

7. However, it is made clear that observations made herein above shall not be construed as an expression on the merits of the main case. Bail application file be tagged with the main case pending in this court.

Date of order:-20.05.2024.

Iqbal Singh, Stenographer-I

(Raman Goklaney)
(UID No. PB-0687)
Additional Sessions Judge,
Gurdaspur.

Raman Goklaney,
Additional Sessions Judge, Gurdaspur
Dated 20.05.2024.