

In the Court of Rajesh Kumar, Addl. Sessions Judge, Amritsar.

**B.A. No. 1610 of 2021
CNR No. : PBAS01-004026-2021
Date of order: 16.04.2021.**

S T A T E

Versus.

1. Rinku @ Rinka Singh s/o Sh. Anoop Singh, r/o village
Hetampura, Tehsil Ajnala, District Amritsar.

.....Accused.

**FIR No.371 dated 20.12.2020
U/ss. 323, 324, 364, 336, 506, 427, 148, 149 of
IPC and 25/27/54/59 of Arms Act.
Police Station: Lopoke, Amritsar.**

Ist bail application u/s 439 Cr.P.C.

Present :- Sh. Sanjeev Sharma, Adv. Counsel for applicant/accused
Ms. Ritu Kumar, learned Additional P.P. for the State.

O R D E R

1. This order shall dispose off bail application moved on
behalf of above said applicants/accused under Section 439 Cr.P.C.

2. Concise facts necessary for the disposal of the instant bail application are that the instant FIR has been lodged on the statement of Sajjan Singh alleging that on 18.11.2020 at 8:00 p.m. he along with Yaqub Masih was going to Civil Hospital Lopoke on motorcycle to meet Jasbir Singh, who was admitted in hospital, and when they reached near Adda Lailiya then three cars came from behind and Swift car, which was on front, smashed the motorcycle and they fell on the ground. Thereafter, Gurmukh Singh @ Sonu armed with datar and Baj Singh @ Bajju armed with kirpan came out of the Swift car. From the Innova car, Rinku armed with kirpan and Taju armed with Gandasi and from the remaining vehicle 10/12 unidentified persons, who were armed with pistols and rifles, came out. Yaqub Masih fled towards fields and remaining accused persons caught him. Gurmukh Singh @ Sonu fired pistol shot towards Yaqub Masih with intent to kill. Bajju exhorted that Yaqub Masih has fled away, he should be caught and killed as he had helped his neighbour. Thereafter, Gurmukh Singh @ Sonu gave datar blow on his head, Bajju gave kirpan blow on his head, Gurmukh Singh @ Sonu gave datar blow on the small finger of his right hand, Taju gave backside of gandasi blow on the left side of his head and in the

meantime Rinku gave backside of datar blow on his head due to which blood started oozing out of his head and he fell on the ground. While he was lying on the ground, then Gurmukh Singh @ Sonu gave backside of datar blow on his head and again he gave datar blow on his left hand. Gurmukh Singh @ Sonu told other co-accused to load him in the car and after killing him they will throw him in the river. They loaded him in the Swift car and kidnapped him. Thereafter, they threw him out of the car on the lane/pattri of Beharwal Behar. After regaining consciousness, he came to his village at 5:00 a.m. and narrated the occurrence to his family. He was taken to Civil Hospital Lopoke and due to terror of the accused he did not disclose the said facts/incident to the police. Accused are threatening him and his family for dire consequences. Thereafter, instant FIR was lodged.

3. Notice of the bail application was given to state and record perused.
4. Learned counsel for the applicant argued with the lines of bail application and submitted that no useful purpose would be served by keeping the applicant behind bars for any longer period. It is argued

that applicant is ready and willing to abide by all the conditions of bail if he is ordered to be released on bail during the pendency of the trial.

5. Per contra, learned Addl. P.P. for the state argued that there are serious allegations against the applicant/accused and there is every likelihood that if he is granted bail then he would threaten the prosecution witnesses which would prejudice the trial. Thereafter, she prayed for dismissal of bail application.

6. I have heard the rival submissions besides perusing the record.

7. As per record, there are specific allegation against the accused/applicant and there is every likelihood that if the applicant/accused is granted the concession of bail then he would threaten the prosecution witnesses which would prejudice the trial and there are also chances to fled away of the applicant/accused. Keeping in view the nature and gravity of the offence alleged to have been committed by the applicant/accused in connivance with other co-accused, this court finds that there is no justification to grant the concession of bail to the applicant/accused. Accordingly, without commenting on merits, the instant bail application deserves dismissal

and is hereby dismissed. Record be returned and bail application papers be consigned to the record room.

Pronounced in open court.

Dated:- 16.04.2021.

**(Rajesh Kumar),
Additional Sessions Judge,
Amritsar. UID No.PB0441**

Narinder Sharma,
Stenographer Grade-II.