

**IN THE COURT OF SH. TARSEM MANGLA,
SESSIONS JUDGE, FAZILKA (UID No. PB0049).**

CIS NO. BA/1628/2020.

Date of Instt: 06.08.2020.

CNR No. PBFZC0-003319-2020.

DATE OF DECISION: **11.08.2020.**

1. Jogindero Bai aged 56 years wife of Lachhman Singh son of Inder Singh resident of village Kawan Wali @ Shikarpur Tehsil and District Fazilka,
2. Malkiat Kaur aged about 52 years wife of Angrej Singh son of Har Singh resident of village Kawanwali Tehsil and District Fazilka now at village Alupur Tehsil Sardoolgarh District Mansa.

-----Applicants/accused.

Versus

State of Punjab

-----Respondent

Application for bail u/s 438 (i) Cr.P.C. in case FIR no. 264 dated 02.08.2020 under Sections 354, 324, 323, 148, 149 IPC, P.S. Sadar, Fazilka.

Present:- Sh. Dharam Singh, Advocate counsel for applicants/accused.
Sh. Sanjeev Kochhar, Ld. Public Prosecutor for the State.

ORDER

This is an application seeking pre-arrest bail applied on behalf of applicants/accused Jogindero Bai and Malkiat Kaur under the aforesaid sections.

2. Upon notice, Shri Sanjeev Kochhar, Ld. Public Prosecutor appeared on behalf of State/respondent and contested the bail application.

3. Heard. FIR in this case was got registered on 02.08.2020 by the prosecutrix herself by stating that she hails from village Kanwanwali P.S. Sadar, Fazilka and is a house hold lady. As she is having no brother, so after the marriage, she along with her husband Veerpal Singh is residing at her parental house. On 03.07.2020 at about 9.30 am, a bore mechanic came near their house in the fields, where Chhinder Singh, Jaspal Singh, Tirpal

Singh and Lachhman Singh started indulging into arguments with the mechanic asking him if he brings a bore machine in the fields, they would set that machine on fire. Her parents resisted their said act by replying that they are going to dug a bore in their own land. On hearing their *raula*, she along with her husband came in the street, where Jaspal Singh gave a *kirpan* blow to her, but in order to save that blow, her father went ahead and the blow landed on the fingers of right hand of her father. When she and her husband tried to stop, Lachhman Singh gave a brick blow to her father which struck on his forehead. When she ran towards her father, Tirpal Singh gave an iron rod blow hitting right side of head of her husband Veerpal Singh. When she along with her mother Jamna Bai tried to save her husband and her father from the clutches of accused, Jaspal Singh and Chhinder Singh scuffled with her and torn her clothes to make her naked. Tirpal Singh also scuffled with her mother, thus tearing her clothes to make her naked. When her husband Veerpal Singh tried to rescue her, Lachhman Singh gave a brick blow hitting on left arm of her husband. Jaspal Singh gave another brick blow hitting his left hand's fingers. Then Lachhman Singh gave a brick blow hitting her head. She raised *raula* '*mar-ditta mar-ditta*'. Then Gindro Bai wife of Lachhman Singh started dragging her from her hair and Malkiat Kaur wife of Angrej Singh gave a stick blow hitting her left arm. Jogindro Bai started dragging her by catching her with *dupatta*. Jaspal Singh and Chhinder Singh, in order to outrage her modesty, fondled her breasts. Seeing the gathering of the people, the aforesaid assailants along with their respective weapons took to their heels. Then her cousin brother Jaspal Singh after arranging for a conveyance admitted them in Civil Hospital, where they were under treatment. The motive behind the occurrence was that she being a lonely daughter of her parents, accused persons wanted to usurp her share.

On the basis of the aforesaid statement, FIR under Sections 354, 324, 323, 148, 149 IPC was registered.

The bail applicants are stated to be at large.

4. Learned counsel for the bail applicant submitted that there is a civil litigation between the parties and on 18.06.2020, a stay order was passed in favour of the bail applicants and as the complainant party had been threatening with false implication and on behalf of the present bail applicants, an application dated 07.07.2020 was moved to the S.S.P. Fazilka. Learned counsel submitted that all these proceedings were stage-managed.

Learned Public Prosecutor explained that prior to the present FIR, the same accused had committed a similar offence leading to registration of FIR no. 111 dated 13.04.2020 at police station Sadar, Fazilka under Sections 354, 323, 324, 148, 149 IPC and in this regard, the Gram Panchayat of Nawan Kanwanwali also passed a resolution. Learned PP submitted that accused are desperate and if they are given benefit of pre-arrest bail, they may further be emboldened.

5. I have given a careful thought to these submissions. The offence complained of appears serious, especially when it has been repeatedly committed by the same accused against the same complainant, thus indicating desperation of the accused party. May be there is some civil litigation pending, but grant of stay in favour of the accused party in itself does not authorize them to take law into their own hands so as to commit repeated offences. It has rightly been feared by the prosecution that if at this stage, the bail applicants are enlarged on pre-arrest bail, they may interfere in the ongoing investigations. Consequently, finding no merits in the instant bail applicant, the same is ordered to be dismissed.

6. Bail application file be consigned to the Record Room,
Fazilka. Sd/-

Dated: 11.08.2020.

‘Bhola Shankar’

‘Stenographer Gr.I’

(Tarsem Mangla),
Sessions Judge,
Fazilka (UID No. PB0049)

BA 1628 of 2020 Jogindero Bai & another versus State of Punjab

CNR No. PBFZC0003319-2020.

Present:- Sh. Dharam Singh, Advocate counsel for applicants/accused.
Sh. Sanjeev Kochhar, Ld. Public Prosecutor for the State.

Upon notice, Shri Sanjeev Kochhar, learned Public Prosecutor appeared on behalf of State/respondent and contested the bail application.

Heard. Vide my separate & detailed order of even date, the bail application has been dismissed.

Bail application file be consigned to the Record Room,
Fazilka.

Sd/-

Dated: 11.08.2020.

‘Bhola Shankar’
‘Stenographer Gr.I’

(Tarsem Mangla),
Sessions Judge,
Fazilka (UID No. PB0049)