

**IN THE COURT OF PARMINDER SINGH RAI,
ADDITIONAL SESSIONS JUDGE, GURDASPUR
(DUTY JUDGE)**

CIS No. BA/1610/2022
Bail application No. 412/25.05.2022
CNR No. PBGD01-003743-2022
Date of Decision: 24/06/2022

Gagan Kumar @ Gugga s/o Sami Kumar @ Motta, r/o Nangal Kotli,
City, Gurdaspur, Tehsil and District Gurdaspur

.....Petitioner

Versus

State of Punjab.

.....Respondent.

FIR No. 248 Dated 18.12.2021
U/Ss 307, 326, 324, 323, 506, 148, 149 IPC
Police Station :- City, Gurdaspur.

Application for bail under Section 438 Cr.P.C.

Present: Shri S.S. Dhillon, Advocate, counsel for
petitioner.
Sh. Ravinder Singh, Ld. Addl. P.P for the State, assisted
by Sh. Baljinder Singh Bangowani, Advocate.

ORDER

Bail application put up before the undersigned being
Judge on Duty.

2. Present petition has been filed by petitioners seeking pre-arrest bail under Section 438 of Cr.P.C. for the alleged commission of offences as mentioned above.

3. Upon notice, learned Additional P.P put in appearance on behalf of respondent-State and Sh. Baljinder Singh Bangowani, Advocate appeared on behalf of complainant and contested the bail application.

4. It is submitted by learned counsel for petitioner that petitioner is innocent and he has been falsely implicated in this case. There is unexplained delay of 3 days in registration of present FIR. Petitioner is ready to face trial, so he may be admitted to pre-arrest bail.

5. On the other hand, it is submitted by learned Addl. P. P. assisted by learned counsel for complainant that the custodial interrogation of petitioner is required for further investigation of the present FIR, as such, present bail application may be dismissed.

6. I have considered the contentions of learned counsel for petitioner, learned counsel for complainant as well as Ld. Addl. Public Prosecutor and also perused the record.

7. The FIR in the instant case has been registered on the statement of Nitish Bhatti son of Jit Masih, resident of Mohalla Nangal Kotli, Gurdaspur. As per his version, on 15.12.2021 at about 7.30 p.m., he was way laid by accused Romi armed with datar, Gugga armed with kirtch, Deepu Kana armed with datar, accused/applicant Preet Pahra armed with datar and 2-3 unidentified boys, who were empty handed. Romi gave datar blow on the head of complainant. Gugga gave kirtch blow on the back of complainant. Deepu Kana gave datar blow on the left arm of the complainant. Preet Pahra had given datar blow with blunt side on the back and left shoulder of the complainant. When his father Jit Masih came forward to save him, Romi gave two blows of datar on the right arm of Jit

Masih. Preet Pahra accused/applicant gave a blow with datar on the right shoulder of Jit Masih.

8. Accused applicant is alleged to have given kirch blow on the back of the complainant and those injuries have been opined by board of doctor grievous in nature and thus offence under Section 326 IPC has been added. The argument that accused while being taken to hospital stated nothing about accused applicant are subject matter of trial at this stage specific allegations have been against accused applicant of having given grievous injuries with sharp weapon on the person injured. Custodial interrogation of accused-applicant would essentially be required for the recovery of weapon. Hence, present bail application is hereby dismissed. Police record be returned. Bail application file be sent to the concerned Court immediately.

Pronounced
Dated:24/06/2022
Gurpreet Singh, Stenographer-II

(Parminder Singh Rai)
Addl. Sessions Judge,
Gurdaspur/Duty Judge

Present: Shri S.S. Dhillon, Advocate, counsel for petitioner.
Sh. Ravinder Singh, Ld. Addl. P.P for the State, assisted by Sh. Baljinder Singh Bangowani, Advocate.

Bail application put up before the undersigned being Judge on Duty. Police record produced. An application for adding offence under Section 326 IPC has been moved by learned counsel for accused-applicant. Heard. In view of the reasons mentioned in the application, the same is hereby allowed. Arguments heard. Vide my separate detailed order of even date, present bail application has been dismissed. Police record be returned. Bail application file be sent to the concerned Court immediately.

Pronounced
Dated:24/06/2022
Gurpreet Singh, Stenographer-II

(Parminder Singh Rai)
Addl. Sessions Judge,
Gurdaspur/Duty Judge