

**THE COURT OF SMT. PRIYA SOOD,
SESSIONS JUDGE, TARN TARAN, UID-PB0065**

CIS No	BA/1625/22.
CNR No.	PBTT01-003236-2022.
Date of Institution	28.06.2022.
Date of Decision	19.07.2022.

Jagjit Singh, age 31 year, son of Gurmej Singh, resident of village Malluwal, Tehsil and District Tarn Taran.

-----Applicant/accused

Versus

State of Punjab

-----Respondent.

Connected Bail

CIS No	BA/1626/22.
CNR No.	PBTT01-003237-2022.
Date of Institution	28.06.2022.
Date of Decision	19.07.2022.

Balbir Kaur alias Dalbir Kaur, age 65 year, wife of Gurdeep Singh, resident of village Malluwal, Tehsil and District Tarn Taran.

-----Applicant/accused

Versus

State of Punjab

-----Respondent.

Connected Bail

CIS No	BA/1627/22.
CNR No.	PBTT01-003238-2022.
Date of Institution	28.06.2022.
Date of Decision	19.07.2022.

Karamjit Singh, age 34 year, son of Gurdeep Singh, resident of village Malluwal, Tehsil and District Tarn Taran.

-----Applicant/accused

Versus

State of Punjab

-----Respondent.

Connected Bail

CIS No	BA/1709/22.
CNR No.	PBTT01-003394-2022.
Date of Institution	06.07.2022.
Date of Decision	19.07.2022.

Gurmej Singh, age 48 year, son of Mohinder Singh, resident of village Malluwal, Tehsil and District Tarn Taran.

-----Applicant/accused

Versus

State of Punjab

-----Respondent.

Connected Bail

CIS No	BA/1711/22.
CNR No.	PBTT01-003408-2022.
Date of Institution	06.07.2022.
Date of Decision	19.07.2022.

Harjinder Singh, alias Harjinder Singh Fauji, age 41 year, son of Surat Singh, (wrongly mentioned in FIR as Surta Singh), resident of village Maluwal, Panjwar, Tehsil and District Tarn Taran.

-----Applicant/accused

Versus

State of Punjab

-----Respondent.

DDR No. : 30 dated 12.10.2017.
Under Sections : 326,323,324,325,336,148,149 IPC.
FIR No. : 157 dated 12.10.2017.
Under Section : 452,323,427,148,149 IPC.
Police Station : Jhabhal.

Application under Section 438 Cr.P.C..

Present: Sh. Ankush Sood, Advocate, counsel for applicants-accused Jagjit Singh, Balbir Kaur, Karamjit Singh and Gurmej Singh.
Sh. A.S. Dhillon, Advocate, counsel for applicant-accused Harjinder Singh.
Sh. Charanjit Singh, Addl. P.P. for the State, assisted by Sh. S.S. Sran, Advocate, counsel for complainant Gurpreet Singh.

Order

1. Vide this order, five bail applications under Section 438 Cr.P.C, filed by accused Jagjit Singh, Balbir Kaur, Karamjit Singh, Gurmej Singh and Harjinder Singh, seeking anticipatory bail in DDR No.30 dated 12.10.2017, under Sections 326,323,324,325,336,148,149 IPC, Police Station Jhabhal, shall be taken up.

2. The FIR version was registered against nine accused, on the statement of Kashmir Singh, son of Mahinder Singh, resident of Maluval, aged 42 year, recorded on 12.10.2017 with respect to an occurrence in the intervening night of 19/20.09.2017 at about 10:00 pm, when accused are alleged to have attacked the complainant side on the false pretext that complainant side has been throwing brick bats at the house of Darshan Singh etc. Darshan Singh is stated to have been armed with Kirpan, Nirmal Singh, son of Mukhtar Singh, armed with Datar, Gurpal Singh, son of Tarsem Singh, armed with baseball, Malkit Singh, son of Swaran Singh, armed with Dang, Sukhdev Singh, son of Baldev Singh, armed with Dang, Karam Singh, son of Ajmer Singh, armed with baseball bat, Dhian Singh, son of Charan Singh, armed with Dang, Avtar Singh, son of Tarsem Singh, armed with baseball and Swaran Singh empty handed, and to have purportedly entered the house of complainant. Darshan Singh gave Kirpan blow from its blunt side on the right leg of complainant. Gurpal Singh gave baseball bat blow on the left shoulder of the complainant. As the son of complainant came forward to rescue the complainant, Nirmal Singh gave Datar blow, from blunt side, on Sandeep Singh, son of complainant, which hit on the left elbow of Sandeep Singh. Nirmal Singh gave another blow from blunt side of Datar on the left knee of Sandeep Singh. In the meanwhile, Amandeep Kaur,

sister-in-law of complainant, came forward to intervene and Karam Singh gave baseball bat blow on the right knee of Amandeep Kaur. Sukhdev Singh gave dang blow on the left wrist of Amandeep Kaur. Upon raising Roula by the complainant side, the neighbours of the complainant, namely, Dalbir Kaur etc reached the spot and Malkit Singh gave dang blow, which fell on the right foot of Dalbir Kaur and another on the head of Dalbir Kaur. The assailants further gave beatings to the other neighbours of the complainant and thereafter went away, while throwing brick bats on the house of complainant and his neighbours, as a result of which the windowpanes of said houses broke down. Earlier talks for compromise were going on, but compromise could not be effected.

3. Subsequently, on the same day, Gurpreet Singh, son of Mukhtar Singh, aged 25 years, got recorded his statement to the effect that Gurpreet Singh is doing private job and resides in the village. All the members of the extended family/co-parceners reside close to each other in the village. At some distance, from the house of Gurpreet Singh, are the houses of Gurmej Singh, son of Mahinder Singh, Kashmir Singh, son of Mahinder Singh, and Dalbir Kaur, wife of Gurmej Singh. Some days prior to the occurrence Gurmej Singh and Kashmir Singh had complained that brick bats are being thrown in their houses and had alleged that the family of Gurpreet Singh is throwing the said brick bats. At that time. Darshan Singh, paternal uncle of Gurpreet Singh, alongwith his family members, had gone to the house of Gurmej Singh and explained that their families are not involved in the said occurrence. Thereafter, on the intervening night of 19/20.09.2017, at about 10:00 pm, while Gurpreet Singh and others were present in their houses,

they heard abuses and noise from outside the street. When Gurpreet Singh and others came out to check the source of noise, Dalbir Kaur and Gurmej Singh raised Lalkara to teach a lesson to Gurpreet Singh etc for throwing brick bats in the house of Dalbir Kaur and Gurmej Singh, upon which Karamjit Singh opened aerial fire with his 12 bore rifle and started threatening the complainant of the cross version. Thereafter, Karanjit Singh handed over his rifle to Dalbir Kaur and after taking Datar from her gave dang blow on the head of Karam Singh. As Darshan Singh, paternal uncle of Gurpreet Singh, rushed forward Baljit Singh gave Kirpan blow, which fell on the left wrist of Darshan Singh. In the meanwhile, Gurlal Singh and Angrej Singh reached there. Tarsem Singh and Harjinder Singh gave basebat blow on the head of Angrej Singh and Gurlal Singh. As Dalbir Singh came forward to intervene, Sandeep Singh gave dang blow, which fell on the head of Dalbir Singh and Dalbir Singh fell down. Jagdeep Singh gave brick bat blow on Dalbir Singh and also started throwing the brick bats on the other family members of Gurpreet Singh. Thereafter, upon raising of Roula by Gurpreet Singh and others, the assailants fled away. The injured were rushed to Civil Hospital, Jhabhal, from where they were referred to Guru Nanak Dev Hospital, Amritsar. Earlier talks for compromise were going on, but compromise could not be effected.

4. Learned counsels for the applicants-accused have prayed that applicants-accused, who are actually the victims of attack by the family of Gurpreet Singh and had lodged the FIR against as many as nine accused, have been falsely implicated, as an after thought. It is further prayed that applicant-accused Dalbir Kaur is old lady, aged about 65 year, to whom no

specific attribution has been made. Likewise, qua accused Harjinder Singh, it is prayed that he is serving in Army and has been falsely named in the cross version only to affect his future prospects and that applicants-accused, who are ready to join the investigation, be extended the concession of anticipatory bail.

5. Per Contra, learned Addl. PP for the State, assisted by learned counsel for complainant, has opposed the bail application on the ground of gravity of offence.

6. I have carefully heard the learned counsel for the applicants-accused, learned Addl. Public Prosecutor for the State and have very keenly gone through the record.

7. There is delay of almost three weeks in lodging of the FIR as well as the cross version. Both the FIR and cross version pertain to the year 2017 and for as long as five years, no attempt was made by investigating agency to proceed further in the matter. The injury, under Section 326 IPC, is attributed to co-accused-non-applicant Baljit Singh. So far as applicant-accused Balbir Kaur is concerned, the attribution to her is that of brick bat blow, the attribution to applicant-accused Karamjit Singh is that he opened aerial fire and of simple injury on the person of Karam Singh. The attribution to applicant-accused Jagjit Singh is that he hurled brick bats. The attribution to applicant-accused Gurmj Singh is that he raised Lalkara. The injury attributed to applicant-accused Harjinder Singh falls under Section 325 IPC. It is case of version and cross version and the genesis of occurrence and the question as to whether it was free fight would be matter of evidence. Since the case pertains to the year 2017, it is imperative that the

investigation comes to logical end without any further delay.

8. In this backdrop, applicants-accused are directed to join the investigation and applicants-accused will, thereafter, be admitted on interim bail to the satisfaction of arresting officer/investigation officer/SHO concerned of the police station subject to conditions:-

- a) That applicants will join the investigation and cooperate with the same as and when called by the investigation officer.
- b) They will not tamper with the prosecution evidence.
- c) They will not leave the country without prior permission of the court.

9. For report to come up on 28.07.2022.

10. Copy of the order be placed in connected bail application titled as Balbir Kaur Vs. State, Karamjit Singh Vs. State, Gurmej Singh Vs. State and Harjinder Singh Vs. State bearing CIS No. BA/1626/22, BA/1627/22, BA/1709/22 and BA/1711/22, respectively.

Pronounced
19.07.2022
Jaswinder Singh
Stenographer-II

Priya Sood
Sessions Judge
Tarn Taran/UID-PB0065