

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

CIS No. BA/1924/2023
CNR No. PBGD01-004789-2023
Date of Order: 11/07/2023

Sukhwinder Singh son of Karnail Singh, r/o Kot Budha, Sekhwan,
Tehsil Batala, District Gurdaspur (presently confined at Central Jail,
Gurdaspur)

.....Petitioner

Versus

State

.....Respondent.

FIR No.40 Dated 30.04.2023
U/Ss 323,324,379, 34 IPC
Police Station:- Sekhwan

Second application for bail under Section 439 Cr.P.C.

Present: Shri Rajiv Bhatia, Advocate, counsel for
petitioner
Sh. K.S. Gill, Addl. Public Prosecutor for State.

ORDER

1. Present petition has been filed by petitioner seeking regular bail under Section 439 of Cr.P.C. for the alleged commission of offences as mentioned above.

2. Upon notice, learned Additional P. P. put in appearance on behalf of respondent-State and contested the bail application. Police record was also requisitioned.

3. It is submitted by learned counsel for petitioner that the petitioner is innocent and has been falsely implicated in this case. It is contended that there has been delay of six days in lodging of the

FIR. The allegations are false. Infact complainant side caused injuries to the accused. The alleged victim is drug addicted and was not caused injuries by applicant rather he might have suffered injuries with some fall only. Petitioner is in custody since 05.05.2023. Petitioner has not committed any offence. Conclusion of trial shall take sufficient long time and no purpose would be served by keeping the petitioner behind the bars for indefinite period, so, he may be admitted to regular bail.

4. On the other hand, it is submitted by learned Addl. Public Prosecutor that the allegations against the petitioner are serious in nature. If the petitioner is released on bail, he can flee from the process of law so, present bail application may be dismissed.

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

6. As per the contents of the FIR so registered on the statement of one Shamsher Singh that on 24.04.2023, at about 5.30 p.m, he had gone to play in the ground of Focal Point Sekhwan. At about 6.20 p.m, he was returning back to his house and when reached near Brick Kiln of Mitterman Singh his uncle Sukhwinder Singh and his son Tejbir Singh following him and came beside him on his motorcycle. The motorcycle was driven by his uncle Sukhwinder Singh. Tejbir Singh was sitting on pillion. Tejbir Singh was having

datar in his hand. Sukhwinder Singh entangled his datar in the handle of his motorcycle. Tejbir Singh gave datar blow to him hitting on his left ear side and he fell down on the ground with his motorcycle. Then he in order to save himself ran towards the field but he was caught by both accused then Tejbir Singh gave two datar blow to him hitting on his hand when raised to save him. While he was on the ground, then accused Sukhwinder Singh gave two datars blows hitting on his right and left foot and even uttered that he will not let him escape. Then accused Tejbir Singh gave two datar blows hitting on his arms. When he raised loud noise to save then Tejbir Singh escaped by snatching his mobile phone as well. His father Kashmir Singh came over the spot then all assailants managed to escape from the spot.

7. Accused-applicant has been active participant in the alleged occurrence in as many as four injuries with sharp weapon has been attributed upon him out of which three injuries even have been found to be grievous. Co-accused has also been alleged to have caused seven injuries and in all total 11 injuries have been caused to complainant. So given the seriousness of offence and role played by accused allegedly in the occurrence of causing as many as three grievous injuries and whole manner of occurrence in causing as many as 11 injuries to complainant and given the active involvement of accused applicant itself, this court is of the considered opinion that if the applicant is released on bail, there is every possibility that

accused can induce or threaten the prosecution witnesses or tamper with evidence and again can be a threat to the society. Hence, present bail application is hereby dismissed. Police record be returned. Record of present bail application be attached with main file.

Pronounced
Dated: 11/07/2023.
Gurpreet Singh, Stenographer-II

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

Present: Shri Rajiv Bhatia, Advocate, counsel for
petitioner
Sh. Kiran Kumar, Ld. Addl. P.P for the State.

Police record produced. Arguments heard. Vide my
separate detailed order of even date, present bail application has been
dismissed. Police record be returned. Record of present bail
application be consigned to record room.

Pronounced
Dated: 11/07/2023.
Gurpreet Singh, Stenographer-II

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