

**In the Court of Jaswinder Sheemar, Additional Sessions Judge,
Hoshiarpur. (UID No.PB-0093).**

BA No.2006 of 2024
CNR No:PBHO01006138 of 2024

Manjit Kaur

.....Bail Applicant

Versus

State of Punjab.

.....Respondent

**First application for anticipatory bail Under Section 438
Cr.P.C. for grant of an anticipatory bail**

**FIR No.70 dated 26.06.2024
Under Sections 307, 447, 506, 148, 149 of the IPC &
Section 25/27 of the Arms Act, 1959
Police Station Mehtiana, District Hoshiarpur**

Present: Shri Naveen Jairth & Shri Prateek Jairth, Advocates for bail-applicants

Shri Rajnish Salaria, Addl. Public Prosecutor for the State
assisted by Shri M.P. Singh, Advocate for injured

ORDER:

1. This is a **first** bail application for grant of **anticipatory** bail in above referred FIR case.
2. **Notice** of the bail application was issued to the State through Learned Additional Public Prosecutor of the State, who put in appearance and contested the bail application.
3. Report of Ahlmad has also received, vide which it is reported that no other bail application is pending or decided as per the website of Hon'ble High Court of Punjab & Haryana, Chandigarh.
4. The police record was requisitioned and perused
5. I have heard Learned Additional Public Prosecutor for State as

and Learned Counsel for **bail-applicants** and have gone through the police record.

6. From the record, it comes out to surface that police machinery was set into motion by one **Makhan Singh (injured)** by way of getting registered present **FIR against Amar Singh, Sukhdev Singh, Gurpreet Singh, Gurwinder Singh, Santosh Rani and Saroj Bala (co-accused) and Manjit Kaur (bail applicant) under Sections 307, 447, 506, 148, 149 of the IPC & Section 25/27 of the Arms Act, 1959.**

7. The **injured** has levelled allegations that complainant alongwith **Sarabjit Kaur, Swaran Kaur (sisters-in-law/Bharjai)** of complainant & **Kanchan** wife of Raman Kumar, jointly purchased land **21 Kanals 10 Marlas** from Balwinder Kaur (widow) of Ravinder Singh, Taranjit Singh, Sandeep Singh (sons) of Manjit Kaur, through Surjit Singh son of Mohan Singh, resident of village Qila Broon, District Hoshiarpur, mutation of which has already been sanctioned and possession of the said land was delivered to them. Earlier, Amar Singh had taken the said land on lease/contract, which came to an end 30.05.2024. the owners of the land in question delivered its possession to complainant party, by by going to the spot and Amar Singh was told about the completion of his lease and the land has been sold to the complainant party and possession also handed over to them. In this regard, even the complainant party has told said Amar Singh. On **26.06.2024**, complainant alongwith Inderpreet Singh (son), Paramjit Singh (brother), were ploughing their purchased land with tractor driven by Inderpreet Singh Singh(son) of complainant. At about **6:00 PM Amar Singh** armed with '**Revolver**', **Sukhdev Singh, Gurpreet Singh**, both

armed with '**Kirpans**', **Gurvinder Singh** armed '**Dang**' **Manjit Kaur (bail applicant)** armed with '**Gandasa**' Saroj Bala & Santosh Rani came on tractor make 'New Holland' and entered the land of complainant with an intention to take over the possession by ploughing the fields and they started abusing and threatening them waiving their deadly weapons and tried the complainant party from ploughing the land purchased by them. When complainant revealed the accused party about purchase and sanctioning mutation in their names, **Manjit Kaur (bail applicant)** raised '**Lalkara**' to eliminate the complainant party and to set the tractor ablaze and be taught lesson for ploughing the fields. Whereupon Amar Singh with an intention to kill shot fire with his revolver upon complainant party, but by chance same was missed. Then, Gurpreet Singh took over revolver from this father Amar Singh and shot fires, but it did not hit. Then, Sukhdev Singh took over revolver from his brother Gurpreet Singh and intention to kill complainant party shot two fires, which also did not hit complainant party. Then, Amar Singh took over revolver and was about to shot fire, but Gurvinder Singh took over revolver from him and proclaimed that they all are missing fires and he will shot fire, whereupon Gurvinder Singh with intention to kill complainant party, again shot fire upon complainant party, which hit little below knee of Inderpreet Singh. Thereafter, all the assailants while waiving **Gandasa, Kirpans, Dandas**' were about to attack the complainant party, then, complainant party snatched weapons from them and forced them to flee from the spot. During this process, if any, injury was received by accused party, that was in self defence. The injuries on the head of Amar Singh was on account the when he was taking over

the revolver from his son, it occurred at that time. When, alarm was raised, all the assailants alongwith their respective weapons fled away fro the spot. Some body has prepared video of the occurrence. Injured Inderpreet Singh was taken to DMC, Ludhiana. Accused Gurpreet Singh, Sukdev Sijngh and Gurvinder Singh intercepted.

8. It is therefore, evident that as per the complainant party, no injury was caused to them except **Inderpreet Singh (son)** of **complainant**. As far as injury on the person of Inderpreet Singh (son) is concerned, same is **fire injury attributed to Gurvinder Singh** and said injury is **below right knee in calf**.

9. There stated to be version and cross version, but, on the police file there is no inkling as to cross version, and definitely, it is not a proper stage where it could be concluded as to which party was aggressor. The attribution to **Manjit Kaur (bail applicant)** is '**Lalkara**' when she was armed with '**Gandasa**' to eliminate the complainant party and to **set the tractor ablaze** and be taught lesson for ploughing the fields. No doubt, Sarob Bala and Santosh Rani(co-accused) were granted anticipatory bail vide order dated 12.07.2024, however, qua them they were observed to be **empty handed** and **no injury was attributed to them**. Therefore, the role of bail applicant cannot be equated with the role of Saroj Bala and Santosh Rani (co-accused), when, the bail applicant is specifically attributed '**Lalkara**'. Therefore, there are clear cut allegations against the bail applicant of **Lalkara**, and other accused **Sukhdev Singh, Amar Singh, Gurwinder Singh and Gupreet Singh**, shot fired with revolver taking over from each other. The investigations in this FIR is still at the very initial stage. The matter is

required to be probed thoroughly. Definitely, by releasing **bail applicant** on **anticipatory bail** would amount to hamper the investigations at the very initial stage. Therefore, in view of the above scenario, I do not deem, this case fit case, where **bail applicant** can be said to be entitled to **anticipatory bail**. Accordingly, **bail application** filed on behalf of **bail applicant** for **anticipatory bail** stands **dismissed**.

10. The observations made by undersigned vide this Order will have no reflection on merits.

11. Bail application file be consigned to the Judicial Record Room, Hoshiarpur, on its completion.

Pronounced in open Court:
Dated:24.07.2024
'Rajbir Singh JW Gr.I'

(**Jaswinder Sheemar**),
Addl. Sessions Judge, Hoshiarpur.
(UID No.PB-0093).