

Present: Shri Deepak Sidana, Advocate counsel for applicants/
accused.
Shri Gurpal Singh, Additional Public Prosecutor for State.

ORDER:

1. Arguments on anticipatory bail application filed by applicants/accused Balwinder Singh @ Binder, Balbir Singh @ Nikku, Anju and Ravinder Kaur under Section 438 Cr.PC, for releasing them on pre-arrest bail in this case bearing FIR No.3 dated 07.01.2019, Police Station Bhogpur Jalandhar, under Sections 323, 324, 452, 34 of Indian Penal Code, heard. Police Record produced and perused.
2. Learned counsel for the applicant/accused has argued that applicants/accused have been falsely implicated in this case by complainant after inflicting injuries on her person with friendly hands in order to put pressure upon the applicants/accused persons as applicant/accused Balbir Singh has already got registered FIR no.2 dated 05.01.2019 against Vijay Kumar (son of complainant in the present case) under Section 354 of Indian Penal Code on the allegations that Vijay Kumar @ Katta son of Lashkar Singh resident of Village Jallowal outraged the modesty of her minor daughter on 04.01.2019 at about 07.00 p.m. The alleged occurrence as narrated by complainant Manjit Kaur has never been occurred on 04.01.2019 at 7.00 p.m. Applicants/accused are ready to join the investigation. Nothing is required to be recovered from

their possession. Therefore, they may kindly be released on anticipatory bail.

3. On the other hand learned Additional Public Prosecutor has argued with stress that applicants/accused caused injuries on the person of complainant Manjit Kaur by means of sharp edged and blunt weapons on 04.01.2019 at about 7.00 p.m. in furtherance of their common intention by forcibly entering into her house and as such, their custodial interrogation is required to recover the weapons used by them for causing injuries. Therefore, it is prayed that anticipatory bail application moved by applicants/accused may kindly be dismissed.

4. As per allegations of the prosecution, applicants/accused Balwinder Singh and others caused injuries on the person of complainant Manjit Kaur by means of sharp edged and blunt weapons by forcibly entering into her house. The injury attributed to applicant/accused Balwinder Singh @ Binder by means of Gandasi was declared simple in nature by the doctor and the said injury was also found to be caused by means of blunt weapon. The injury attributed to applicant/accused Balbir Singh @ Nikku by means of reverse side of datar was also declared simple in nature by the doctor and the said injury was found to be caused by means of sharp edged weapon. The third injury found by the doctor on the person of Manjit Kaur was red bruise on the left side of the chest and it was also caused by means of blunt weapon. The offence punishable

under Section 323 and 324 of Indian Penal Code are bailable one. The only offence punishable under Section 452 of Indian Penal Code is non bailable. Copy of FIR no.2 dated 05.01.2019 shows that applicant/accused Balbir Singh got registered this FIR against Vijay Kumar son of complainant under Section 354 of IPC on 05.01.2019 regarding the occurrence took place on 04.01.2019 at about 7.00 p.m. The present FIR was got registered by complainant Manjit Kaur on 07.01.2019 against the applicants/accused regarding the occurrence took place on 04.01.2019 at about 7.00 p.m. Hence, keeping in view the above said facts and circumstances of the case, I am of the view that it is a fit case where concession of pre-arrest bail can be given to the applicants/accused and as such, applicants/accused are directed to join the investigation within 7 days from today and in case of their appearance before the investigating officer to join the investigation in this case, the investigating officer shall release them on interim bail to his satisfaction subject to the following conditions:-

- a) applicants/accused shall make themselves available for investigation by a police officer as and when required;
- (b) applicants/accused shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;

(c) applicants/accused shall not leave the country without prior permission of the Court.

5. A copy of this order be sent to the SHO, Police Station Bhogpur, Jalandhar. Police file be returned. Now to come up on 30.01.2019 for awaiting report of Investigating Officer regarding joining of investigation by the applicants/accused and arguments on bail application.

Announced:

Dated:-18.01.2019

(Sham Lal),
Additional Sessions Judge,
Jalandhar
[UID Number : PB0123]