

**In the Court of Sh. Virinder Aggarwal,
Sessions Judge, Ferozepur.
(Unique Identification No.PB0045)**

CNR No.PBFZ0100- 5023 -2024
CIS No. BA- 1955 of 2024
Date of Order: 03.09.2024
Pending for 06.09.2024

1. Tara Singh aged about 58 years son of Ujagar Singh,
2. Amarjeet Singh aged about 35 years son of Tara Singh, both residents of Village Bhamba Hazi, Tehsil & District Ferozepur.

... Applicants/Accused

Versus

State of Punjab.

...Respondent.

Application for bail under section 482 BNSS

...

FIR No. 210 dated 20.12.2020,
Under Sections 452, 325, 323, 427, 148, 149 IPC,
Police Station Mamdot.

Present: Sh. R.K.Dua Advocate, counsel for applicants/accused,
Sh. Dalip Kumar, Public Prosecutor for State.

O R D E R:-

This order of mine shall decide this second application for pre-arrest bail under section 482 BNSS, filed in the above noted FIR on behalf of applicants, on the allegations that they are innocent and have been falsely implicated in the present case. All the offences are

bailable except the offence under section 452 of IPC and all the offences are punishable upto 7 years of imprisonment. No notice as required under section 35(3) of BNSS has been served upon the applicants/accused. There is unexplained delay of 6 days in lodging the FIR. It is a case of version and cross version and it is yet to be ascertained as to which party was aggressor. In fact, complainant party has caused injuries to Sheelo non-applicant and in order to save themselves, complainant party by exercising political and medical influence, created a false story and has got registered this false case. Applicants/accused are ready to join investigation. Their custodial interrogation is not required. Hence, it is prayed that the application be allowed and applicants be given the concession of pre-arrest bail.

2. Notice of bail application was issued to State and Sh. Dalip Kumar, Learned Public Prosecutor put in appearance on behalf of State. Record has also been requisitioned.

3. I have heard arguments of learned counsel for applicants and learned Public Prosecutor for State and have gone through the record.

4. As per report of filing branch clerk, no bail application filed by applicants/accused is pending in the Hon'ble High Court. He has attached on record copy of report downloaded from the website of Punjab and Haryana High Court.

5. Present FIR has been registered against the applicants/accused and others on the statement of Desa Singh that on 15.12.2020, at about 7:30 PM, he was tying the cattle in his house and his wife was preparing food. Tara Singh armed with handle of hand-pump, Amarjit Singh baseball, Sona Singh *takua*, Surjit Singh baseball, Gurmeet Singh sword, Sukhdev Singh *kappa*, Tehal Singh handle of spade and Makhan Singh iron rod came outside the main gate of his house. Tara Singh raised a *lalkara* to catch them and teach a lesson for taking possession of their land. Complainant tried to close the main gate of his house, but all the accused persons entered into his house forcibly. Tara Singh gave a blow with the handle of hand pump which hit on his right eyebrow. Amarjit Singh gave a blow with baseball on his right thigh. He tried to run away to save himself, then Sona Singh gave a blow with the reverse side of *takua* on his left thigh. Surjit Singh gave a blow with baseball on the back side of his right shoulder. He fell down. Tehal Singh gave a blow with the handle of spade on his stomach. Makhan Singh gave a blow with iron rod on his right elbow. He raised alarm of “*Mar Ditta Mar Ditta*”. Then Gurmeet Singh and Sukhdev Singh gave kick blows while he was lying down. Gurmeet Singh armed with sword and Sukhdev armed with *kappa* damaged the water tank lying in the bath room. On hearing noise, neighbours gathered there.

At this, accused ran away from the spot alongwith their respective weapon. He was got admitted in Civil Hospital Mamdot by his cousin brothers Harmesh Singh and Veer Singh. The motive behind the occurrence is that the accused persons are trying to take forcibly possession of their ancestral property.

6. Earlier applicants/accused and others filed anticipatory bail application, in which interim bail was granted, but later on, that bail application qua applicants/accused was dismissed as withdrawn and the order granting interim bail to the applicants/accused was recalled. All the other offences are bailable except the offence under section 452 of IPC. All the offences are punishable upto 7 years of imprisonment and no notice as required under section 35(3) of BNSS has been served upon the applicants/accused. A period more than 3½ years has elapsed since the registration of the case, but the Investigating Agency has neither arrested the applicants/accused nor has joined them in the investigation of the case. It appears that custodial interrogation of the applicants/accused is not required. Considering all these facts, applicants/accused are directed to join investigation. In case they are required to be arrested, they be released on interim bail to the satisfaction of Arresting Officer. The applicants shall also abide by the conditions as specified under Section 482(2) of BNSS.

7. Now file be put up on 06.09.2024.

Pronounced:
Dated: 03.09.2024
Mukesh Kakkar
Executive Assistant

Sd/-(**Virinder Aggarwal**)
Sessions Judge, Ferozepur.
(UID No.PB0045)