

**IN THE COURT OF SHRI PUSHVINDER SINGH, ADDITIONAL
SESSIONS JUDGE, GURDASPUR.**

Bail Application No. 317 of 25.07.2018

CIS No. BA 1972-2018

Date of order: 31.07.2018

- 1. Rajinder Singh @ Monu aged about 30 years son of Sh. Tirath Singh.**
- 2. Balwinder Pal @ Billa Ghamiar aged about 65 years son of Sh. Charan Dass.**

**Both residents of village Jharoli, Tehsil and District
Gurdaspur.**

.....Accused/applicants.

Versus

State of Punjab

.....Respondent.

FIR No. 133 of 20.07.2018

U/s: 452/324/323/148/149 IPC

P.S. City Dinanagar.

(1st Bail application under Section 438 Cr.P.C.)

**Present: Sh. Rajesh Chohan, Advocate counsel for
accused/applicants.
Sh. Kiran Kumar, Addl. P.P for the State.**

ORDER:-

- 1. This application has been filed by applicants/accused
Rajinder Singh @ Monu and Balwinder Pal @ Billa for anticipatory bail,
stating that a false and frivolous FIR has been registered against them on
the basis of statement of Ibrahim son of Laalu. The entire story narrated**

by the complainant carries no truth. In fact, a cross-version was also registered against Ibrahim, his son Faqardina and her daughter Seena.

2. Notice of application was given to the State. Additional P.P. appeared and opposed the bail application. IO came present along with police file.

3. I have heard learned Additional P.P. for the State and learned counsel for the accused /applicants and also gone through the police record very carefully.

4. From perusal of the police file, I find that the FIR was registered on the basis of statement made by Ibrahim son of Laalu vide which he got recorded that on 17.07.2018 at about 8.00 P.M. he was present at his Dera. His grand daughter Seena was preparing Tea, then Rajinder Singh son of Tirath Singh armed with Kirpan (sword), Sonu son of Tirath Singh armed with Danda (stick), Monu son of Tirath Singh armed with datar and Makhan son of not known empty handed and Billa son of not known empty handed came to their Dera. Makhan and Billa raised lalkara then, Monu gave a brick bat blow on the person of his grand daughter Seena and when he (complainant) came forward then, Rajinder Singh (Monu) pushed him and he fell on the brick bats and sustained injuries then his son Faqardin came forward, then Monu gave two datar blows on the person of Faqardin. Rajinder Singh gave Kirpan blow on his person and when they raised alarm then, the accused persons ran away and thereafter, Ambulance No. 108 was called through the telephone and the injured were removed to the hospital.

From perusal of the police file, I find that a cross version has also been registered against the complainant party on the basis of

statement made by Rajinder Singh applicant/accused vide DDR No. 37 dated 23.07.2018 as per medical evidence applicant/accused Rajinder Singh sustained grievous injury. So, far as the applicant No. 2 Balwinder Pal @ Billa is concerned, only lalkara is attributed to him. It is a case of allegations and counter-allegations and it is yet to be proved that who was aggressor. In these all circumstances, I find that custodial interrogation of applicants/accused Rajiner Singh @ Monu and Balwinder Pal @ Billa is not required. The purpose of investigation can be served, if they join the investigation. Accordingly, applicants/accused are directed to join the investigation within 5 days and on doing so, they shall be released on interim anticipatory bail on furnishing bail bond and surety bond as per own satisfaction of investigating/arresting officer. Accused/applicants shall co-operate with the investigating agency and shall abide by the terms and conditions of section 438 (2) Cr.P.C. Now to come upon 08.08.2018 for further proceedings.

**(Pushvinder Singh),
Additional Sessions Judge,
Gurdaspur**

**Pronounced: 31.07.2018
Raghubir Singh, Stenographer-III,**

Rajinder Singh @ Monu etc. Vs. State of Punjab

Present: Sh. Rajesh Chohan, Advocate counsel for applicants/accused.
Sh. Kiran Kumar, Addl. PP for the State.

I.O came present along with police file. Arguments heard
vide my separate detailed order applicants/accused are directed to join the
investigation within 5 days. Now, to come upon 08.08.2018 for further
proceeding.

**(Pushvinder Singh),
Additional Sessions Judge,
Gurdaspur**

Pronounced: 31.07.2018
Raghubir Singh, Stenographer-III,