

IN THE COURT OF PALWINDER JIT KAUR,
ADDITIONAL SESSIONS JUDGE,
HOSHIARPUR. (PB0187)

CIS BA No.1954/2024
CNR No.PBHO001005970-2024
Date of institution: 11.07.2024
Date of order: **15.07.2024**

Lovepreet Singh aged 29 years son of Varinderjit Singh resident of village Jhingar Kalan, PS Dasuya, Distt. Hoshiarpur.

...Applicant

Versus

State of Punjab

...Respondent.

FIR No. 192 dated 06.12.2022
Under Sections: 323,324, IPC and
added Section 452 IPC
Police Station: Dasuya, Hoshiarpur.

Application Under Section 438 of Cr.P.C.

Present: Sh. JBS Gill Advocate, for applicant-accused
Sh. Rajnish Salaria Addl. Public Prosecutor for the State

ORDER:-

1. This order of mine shall dispose off bail application filed by applicant/accused under Section 438 Cr.P.C. for grant of anticipatory bail in above mentioned case. Notice of the bail has been given to the State. learned Addl. PP appeared on behalf of State and contested the bail application. Record has been produced and perused.
2. The learned counsel for the applicant-accused argued that a case titled as State Vs. Lovepreet Singh is pending in the court of learned Judicial Magistrate Ist Class, Dasuya. Originally the case was registered under Sections 323,324,506 IPC

against the applicant and he was released on bail by the police. After thorough investigation, the police presented the report under Section 173 Cr.P.C. against the applicant for the offences under Section 323,324,506 IPC and the applicant was granted regular bail by the court. From the perusal of the FIR, no offence under Section 452 IPC is made out against the applicant, as the alleged occurrence, if any, has taken place in the street and not in the house of the complainant. Even the site plan prepared by the police shows that the place of occurrence is the street. The prosecution moved an application under Section 216 Cr.P.C. and only on the basis of improved version, the trial court has allowed the same and ordered to frame charge under Section 452 IPC against the applicant. Prayer is made for allowing bail.

4. On the other hand, learned Addl. PP opposed the bail application on the ground that there are serious allegations against the applicant-accused as he alongwith his co-accused had attacked upon the complainant after entering in the house, as such applicant-accused should not be granted benefit of anticipatory bail.

5. I have heard the learned Addl. PP for the State, learned counsel for the accused persons and perused the record.

6. As per case of the prosecution, the applicant-accused alongwith his co-accused had attacked upon the complainant and inflicted injuries to him. Earlier the report under Section 173 Cr.P.C. was presented by the police against the applicant under Sections 323,324,506 IPC, in which he has been granted bail by the learned trial court. Later on an application under Section 216 Cr.P.C. has been moved by the prosecution, which was allowed and offence under Section 452 IPC has been added. Except offence under Section 452 IPC, other offences are bailable. Nothing is to be

recovered from the applicant-accused. The applicant-accused is ready to face the trial before the learned trial court. No useful purpose will be served by sending the applicant-accused behind the bar. The purpose would be served if applicant shall be allowed anticipatory bail. So the same is allowed with the direction to the applicant to surrender before the learned trial Court/Duty Magistrate within 10 days from today and to furnish bail bonds in the sum of Rs. 50,000/- with one surety in the like amount to the satisfaction of learned trial Court/Duty Magistrate. Upon doing the needful, he shall be released on bail with the direction that the applicant-accused will not leave India without the prior permission of the trial Court and will not tamper with the prosecution witnesses and also will appear before the learned trial Court on each and every date of hearing. Nothing said or observed shall effect on the merits of the case. It is made clear that in case the applicant-accused fails to surrender within stipulated period before the learned trial court/Duty Magistrate, the present bail order stands vacated automatically. Original file be sent back. Bail application file be consigned to the record room, Hoshiarpur.

Date of order: 15.07.2024.
Anil Kumar, JW.

Direct dictation.

Palwinder Jit Kaur,
Addl. Sessions Judge,
Hoshiarpur
UID NO. PB0187

Lovepreet Singh Vs. state.

Present: Sh. JBS Gill Advocate, for applicant-accused
Sh. Rajnish Salaria Addl. Public Prosecutor for the State

Arguments heard. Vide my separate detailed order of even date, the bail application is allowed in terms of the order. Original file be sent back. Bail application file be consigned to the record room, Hoshiarpur.

Date of order: 15.07.2024.
Anil Kumar, JW.

Palwinder Jit Kaur,
Addl. Sessions Judge,
Hoshiarpur
UID NO. PB0187

Direct dictation.