

BA/CIS No.1924-2020
FIR No.161 dated 06.06.2020.
Case u/s 336/323/324/341/427/148/149 IPC
read with section 27/54/59 of Arms Act 1959
Police Station: Bhwanigarh, District Sangrur.

Application for bail u/s 438 Criminal Procedure Code.

Present: Shri G.S.Sidhu, Advocate, counsel for the accused-applicant.
Shri Mahesh Goyal, Additional Public Prosecutor for
the State.

ORDER:

1. File put up before me being Duty Officer during lock-down
2. This is an application for seeking anticipatory bail under Section 438 Criminal Procedure Code filed by accused-applicant **Jagjit Singh @ Jaggi son of Shri Satgur Singh, resident of village Jhaneri, Tehsil Bhawanigarh, District Sangrur** in the aforesaid case.
3. Notice of the bail application was given to State. The learned Additional PP for the State, made appearance on behalf of the State and got produced the record.
4. I have heard the learned Counsel for applicant, Additional PP for the State and also perused the record.
5. It is submitted in the application as well as argued by the learned counsel that the applicant is law abiding and peace loving citizen of India. No prima-facie case is made out against the applicant and the applicant has been falsely involved in the above noted case by the police of P.S.Bhawanigarh, District Sangrur at the instance of complainant Jagjeet Singh son of Bharpoor Singh, resident of village Batiana, District Sangrur due to ill will towards the applicant and party faction. The applicant is a respectable person of the locality and respects the law from the core of his heart. The applicant is an agriculturist. The applicant is an innocent person and has not committed any offence. Moreover the police of P.S.Bhawanigarh is trying to rope the applicant in the present case. The

Police of P.S.Bhawanigarh has raided the house of the applicant in order to arrest him, as such the applicant has apprehension of his arrest and police has threatened the family of the applicant to arrest him the aforesaid case. The bare reading of the FIR reveals that no case under Section mentioned above is made out against the applicant. The name of the applicant was wrongly mentioned at the time of registration of the FIR, whereas the applicant was not present when the alleged occurrence took place, still his name was mentioned as there was previous enmity between the complainant party and applicant and complainant party. Nothing is to be recovered from the applicant, so his custodial interrogation is uncalled for, therefore it is fit and proper case where benefit of anticipatory bail can be granted to the applicant. The applicant is ready to join the investigation as and when so directed by the police and will abide by all the conditions imposed by the Court. Hence, the prayer for relief of anticipatory bail.

6. On the other hand, while controverting his contentions, the learned Additional PP for the State has vehemently argued that the allegations against the applicants are serious in nature, so he does not deserve the leniency of the Court in grant of relief of bail.

7. From the police record, it is apparent that FIR was registered at the instance of Jagjit Singh (injured) against Nahar Singh, **Jagjit Singh (applicant)**, Bindi Singh, Banti Singh, Ravnoor Singh, Saranjeet Singh, Jaswinder Singh, Satgur Singh, Gurmail Singh, U/s 336, 323, 324, 341, 427, 148, 149 IPC and 27 of Arms Act. The injured is friend of Sapinder Singh (another injured), who had gone to the field of Sapinder Singh on 05.06.2020 to help him for planting paddy crop. When injured was diverting flow of water at about 4.40 P.M, and Sapinder Singh was levelling field with tractor make Sonalika, at that particular point of time, Nahar Singh, Jagjit Singh(applicant), Bindi Singh, Banti Singh, Ravnot Singh, Saranjeet Singh, Jaswinder Singh, Satgur Singh, Gurmail Singh were standing at their motor and they all started abusing Sapinder Singh

and came forward while holding 'daangs' and rods. Nahar Singh was armed with double barrel gun. When Sapinder Singh observed the assailants coming toward him, he drove his tractor toward village, therefore, Nahar Singh had shot fire from his double barrel gun, which hit the rear tyre of tractor. **Applicant Jagjit Singh** had given 'soti' blows to Sapinder Singh on his right shoulder, spine, head and also to tractor. When injured tried to whisk away from spot, they all cordoned off and started beating him. Jagsir Singh @ Jaggi gave 'kirpan blow which hit on right hand. Banti Singh gave 'gandasa' blow on his head. When injured had fallen down, then he was again inflicted injuries by the assailants and also damaged the motorcycle of injured parked at the motor of Sapinder Singh.

8. It is observed that although injured has stated that applicant had also come to the field of Sapinder Singh along-with co-accused armed with 'dandas' and 'soti', whereas, Nahar Singh (co-accused) armed with double barrel gun and only Nahar Singh had shot fire with his double barrel gun at Sapinder Singh, but it hit the rear tyre of tractor, and no specific role is attributed to applicant Jagjit Singh. The offences levelled are almost bailable in nature, except 27 of Arms Act, which is against the main accused Nahar Singh, who has shot fire with his double barrel gun. In these circumstances, without commenting on the merits of the case, this Court is of the opinion that it is a fit case where the applicant should be released on interim bail. He is directed to join the investigation before IO/SHO concerned within **seven days** from today. In that eventuality and in the event of his arrest, he is ordered to be released on interim bail to the satisfaction of SHO/Arresting Officer, subject to the following conditions.

- i. That the applicant will make himself available in the investigation of the case, as and when required;
- ii. That the applicant will not tamper with the prosecution evidence; and

iii. That the applicant will not leave the country without prior permission of the court.

9. Now to come up on 15.07.2020 for making report with regard to joining of the investigation by the applicant.

Date of order: 26.06.2020
Mamta Threja, JW

(Gurpartap Singh),
Judge Special Court
Sangrur.

