

IN THE COURT OF SHRI MANJINDER SINGH,
ADDITIONAL SESSIONS JUDGE, JALANDHAR
UID No. PB0064

PBJL010052532021



BA/1984/2021

Presented on : 07-05-2021

Registered on : 10-05-2021

Decided on : 01-06-2021

Duration : 0 years, 0 months, 25 days

Rahul alias Katta aged about 32 years son of Roshan Lal r/o H.No.142,
Gali No.4, Guru Nanak Nagar, Basti Sheikh, Jalandhar.

...Applicant/Accused.

Versus

State of Punjab

.....Respondent.

FIR No. 246 Dated 20.06.2020

u/s 323/458/379/160/506/427/148/149 IPC,

P.S. Division No.5, Jalandhar.

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Present:- Shri Suraj Parkash, Advocate, counsel for the applicant/accused.  
Shri Gurpal Singh, Addl.P.P. for the State.

**ORDER:**

1. This order will dispose of bail application moved by applicant Rahul @ Katta under Section 438 Cr.P.C., in FIR No. 246 Dated 20.06.2020, u/s 323/458/379/160/506/427/148/149 IPC, P.S. Division No.5, Jalandhar.

2. Upon notice, this application was contested by learned Addl.P.P. for the State.

3. I have heard learned counsel for the accused-applicant, Id.Addl. PP for State and have gone through the file very carefully with their able assistance.

4. Learned Counsel for the accused-applicant contended that the applicant is totally innocent and has been falsely implicated in the present case. He has got no concern with the alleged occurrence. The accused/applicant was at home at the time of alleged occurrence. Now the police of P.S. Division No.5, Jalandhar is raiding the house of accused/applicant and as such, the accused/applicant is apprehending his arrest in the present case. Hence it is prayed that bail application may kindly be allowed.

5. On the other hand, Id. Addl.P.P. for the state contended that the offence attributed to the accused is very serious in nature and no leniency is required in such like matters. Applicant/accused being member of an unlawful assembly, armed with deadly weapon committed the offence of rioting. The weapons of assault are yet to be recovered and as such, accused is required for custodial interrogation. Hence prayed for dismissal of the bail application.

6. From perusal of police file this court finds that this case was registered on the statement of complainant Sunil Kumar son of Kishan Lal. In his statement, complainant Sunil Kumar has submitted that on 19.06.2020, he was roaming alongwith his dog outside his house and was having a small stick in his hand. At about 09:15; 09:30 p.m, 7-8 persons were standing in the mohalla and they were arguing with each other. They

also tried to snatch his stick. Due to fear, he returned to his house. When he was standing on the gate of his house, 3-4 persons on motorcycles came there and they were raising lalkara. They were armed with dattars and base-bats. They stopped their motorcycle in front of his house and trespassed into his house while raising lalkaras. At this Johni resident of Lahoria Mohalla inflicted dattar blow from its reverse side, which hit at hie lower lips. Due to which he entered in the room of his house and started raising raulla ‘ Bachao Bachao’. His entire family was in the house at that time and they came under fear. These persons started throwing the empty Soda Bottles and due to which all the window panes were broken. These accused also damaged his motorcycle. They have also taken his dog with them while leaving the place. He lateron came to know that these persons were Johny armed with Dattar, Ajay Verma armed with kirpan, Milan @ Mashar armed with Dattar, Gurwinder Ghaiya armed with Kirpan, Babbal Nihang armed with Dattar, Katta armed with Base-bat and 5-6 un-known persons had committed the occurrence. Direct role is attributed to the accused/applicant. Accused/applicant being member of an un-lawful assembly armed with deadly weapon, committed the offence of rioting and also trespassed into the house of complainant and damaged the window pane in the house and motorcycle of the complainant. Keeping in view the facts and circumstances of the case, the accused/applicant is required for custodial interrogation. In **Bal Krishan Fauzdar VS. State of Haryana 2018 (1) RCR Criminal 789** it is held by Hon'ble High Court in para No. 8 that, “it is well settled that custodial interrogation is

more elicitation oriented since a person, who is couched in comparative safety of pre-arrest bail would certainly not disclose all the facts within his knowledge which would be inculpatory for him. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely, which is not called for. The law laid down in this citation is fully applicable to the facts of the case in hand. As such keeping in view the gravity of offence, I do not deem it fit case to grant concession of anticipatory bail to the accused-applicant and the anticipatory bail application filed by accused-applicant **Rahul @ Katta** is hereby dismissed being devoid of any merit. File be consigned to the record room. Police record be returned immediately.

Pronounced in open Court  
01.06.2021.

(Manjinder Singh),  
Additional Sessions Judge,  
Jalandhar.  
UID No. PB0064

Dictated directly on computer  
rajesh\*\*