

**IN THE COURT OF SHRI JAGDEEP SOOD,
ADDITIONAL SESSIONS JUDGE,
MOGA (UID No.PB00169).**

CNR No.PBMO010041702020

CIS Filing No.BA/1986/2020.

Date of order : 19.10.2020.

State Vs. Kikar Singh @ Kikri son of Harbans Singh son
of Bagicha Singh, resident of Village Daulewala
Tehsil Dharamkot, District Moga.

----Applicant-accused.

FIR No.04 dated 11.01.2019,
Under Sections : 307,332,353,186,323,
224,148,149 of IPC
Police Station : Kot Ise Khan.

Bail Application under Section 439 Cr.P.C.

Present:- Shri Balwinder Singh Gill, Advocate for applicant-accused
(through video conference)
Shri Anshuman Syal, Additional Public Prosecutor for State
(through video conference)

ORDER

1. This order will dispose of bail application filed by Kikar Singh @ Kikri under Section 439 Cr.P.C. seeking regular bail in case FIR No.04 dated 11.01.2019 under Sections 307,332,353,186,323,224,148, 149 of IPC registered at Police Station Kot Ise Khan.
2. Presence of learned Additional Public Prosecutor, investigating officer as well as learned counsel for applicants-accused is being procured through video conference in view of outbreak of Covid-19 and consequent imposition of curfew in the State of Punjab. Bail

application dealt by undersigned being Duty Judge appointed vide order dated 30.09.2020 circulated vide endorsement No.1544/EB dated 30.09.2020 and as per order dated 29.04.2020 passed by Hon`ble Punjab & Haryana High Court.

3. Notice of the bail application has been issued to learned Additional Public Prosecutor who appeared and contested bail application

4. I have heard Learned counsel for applicants as well as learned Additional Public Prosecutor and have gone through the record.

5. Present FIR had been got lodged by ASI Basant Singh, Incharge Police Post Daulewala that informer had given a secret information that Kuldeep Singh @ Gainda and Raj Kumar @ Raju @ Lambu (proclaimed offenders) are sitting in the house of Kuldeep Singh @ Gainda. In case raid is conducted then both proclaimed offenders can be apprehended. Accordingly police party consisting of C.Jaskaran Singh, ASI Balwinder Singh, C.Harinder Singh, ASI Balkar Singh HC Charanjit Singh and HG Gurmukh Singh raided the house at 7.00 p.m. and entered into the house. Kuldeep Singh @ Gainda and Raj Kumar @ Raju @ Lambu were sitting in the family and were talking with each other. They were earlier known to complainant and C.Jaskaran Singh. On spotting police party they started abusing police party and raised alarm. Complainant told Kuldeep Singh @ Gainda and Raj Kumar @ Raju @ Lambu that they had been declared proclaimed offenders by the court and are to be arrested. These accused resisted apprehension and started throwing the brick-bats. Virsa Singh @ Gainda, Parkash Kaur, Gurdeep Kaur and Gurmail Kaur started scuffling with police party. Complainant made every effort to make them understand. But accused made attempt to drag C.Jaskaran Singh inside after holding him from his uniform thereby

shoulder was torn. Accused raising alarm in loud voice called their neighborer co-accused Pala Singh by name to come along with his three sons to save them from the custody of police party. It led 15/16 unidentified persons armed with sticks and gandas to come inside the house of Kuldeep Singh and attack police party. ASI Balkar Singh, HC Charanjit Singh and C.Jaskaran Singh suffered injuries. These persons took away both proclaimed offenders from the custody of police. Police party fired in the air to save themselves. Accused run away from the spot abusing police party. During interrogation Kuldeep Singh @ Gainda has also named applicant-accused being the person involved in the presence occurrence. DDR No.11 dated 12.01.2019 accordingly has been lodged. A heinous offence has been committed. Applicant-accused in connivance with other accused not only assaulted and injured police party but had taken away the proclaimed offenders from the custody of police. Incident in question stated to have created environment of fear in the area and threatened maintenance of law and order by police official. Learned Additional Public Prosecutor argued that regular bail applications of co-accused Pala Singh, Kulwinder Singh @ Kindu, Gurpreet Singh and Harpreet Singh had already been dismissed. It has thus been argued that present regular bail application may also be decided on the Principle of Parity. In the said circumstances custody of applicant-accused since 18.07.2020 is not the only consideration for determination of present bail application. So considering the heinousness of offence and mode and manner in which present incident has taken place, present bail application loses merit and same stands dismissed. Nothing said in this order shall have any bearing on the decision of this case. File be consigned to record room.

Pronounced.
19.10.2020.
Jagjit Singh Panesar, Stenographer-II

(Jagdeep Sood)
Additional Sessions Judge,
Moga (UID No.PB00169).