

BA 187 of 2026 Des Raj & Anr. versus State of Punjab
CNR No. PBFZC0-000553-2026

ORDER.

Present: Sh. S.S. Maan Advocate for Applicants.
Ms. Shikha Dhall, Addl. PP for the State assisted by
Sh. Amit Kumar Advocate for complainant.

1. Police record produced. Arguments on the application for anticipatory bail moved by accused-applicants Des Raj son of Middu Ram and Manju Lata @ Manju Rani under Section 482 of BNSS in case FIR No. 330 dated 31.12.2025 under sections 333, 351 (2), 324 (4), 190 BNS registered at police station Sadar, Fazilka, heard.

2. Learned counsel for the accused-applicants pressed for anticipatory bail on the ground that accused-applicants have been falsely implicated in the present case. He further pressed that the alleged occurrence took place on 16.12.2025, whereas the FIR was lodged on 31.12.2025, so there is unexplained delay of approximately 15 days in registration of the FIR. He further pressed that the applicants-accused have no concern or connection with the ownership of the property in question and moreover, prosecution has not placed on file sale deed regarding that property. He further pressed that accused-applicants are senior citizens having 73 years and 62 years of age respectively and they are permanently residing at New Delhi. He also pressed that no injury is attributed to the applicants-accused and nothing is to be recovered from them and there are no specific allegations against them, so their custodial interrogation is not required. The accused-applicants are ready to join the investigation and prayed for protection and anticipatory bail.

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Sessions Judge, Fazilka.
Dated: 28.01.2026

3. Learned Addl. PP for the State assisted with learned counsel for complainant opposed the bail application on the ground that the accused-applicants along with 05 other co-accused and 3-4 unknown persons after forming an unlawful assembly, forcibly entered into the house of complainant, abused the complainant party, threatened them with dire consequences and also tried to usurp their property measuring 2¼ marlas and thus committed a serious crime, therefore, they do not deserve any concession of anticipatory bail and prayed for dismissal of bail application.

4. I have heard learned counsel for accused-applicants, learned Addl. PP for the State, learned counsel for complainant and have perused the record.

5. After hearing their respective submissions and perusal of record reveal the fact that the complainant Seema Rani wife of Manga Singh resident of village Rana P.S. Sadar, Fazilka has levelled various allegations against 06 persons by name and 3-4 other unknown persons alleging that on 16.12.2025 at about 9:00 AM, accused Harbhajan Lal, Des Raj son of Tahal Ram, Des Raj son of Middu Ram (accused-applicant), Manju Rani wife of Des Raj (accused-applicant), Lashmi Bai wife of unknown, Krishna Rani wife of Moti Ram accompanied by 3-4 unknown persons after forming an unlawful assembly, forcibly entered into the house of complainant, abused the complainant party, threatened them with dire consequences and also tried to usurp their property measuring 2¼ marlas, though they were saved with the timely intervention of neighbourers of the vicinity. However, as per contents of FIR itself, no injury has been attributed to any of the accused. Furthermore, all the alleged offences now registered under BNS have

punishment below 07 years, therefore, police/Investigating Agency is bound to serve notice under section 35 of BNSS upon the accused-applicants, but the I.O. has not served any notice upon the accused-applicants, as conceded by the I.O. ASI Ranjit Singh present in the Court. Keeping in view of these facts and circumstances and provisions of Section 35-BNSS as well as law laid down in by **Hon'ble Apex Court in Arnesh Kumar Vs State of Bihar, 2014 (8) SCC-273 and Satender Kumar Antil Vs C.B.I. and Another 2022 Livelaw (SC) 577**, which covers to the facts of the present case and therefore, non-service of notice gives exceptional circumstances in favour of accused-applicants. Moreover, allegations and counter-allegations have yet to be proved during trial. Furthermore, anticipatory bails have already been granted to co-accused Harbhajan Lal, Des Raj son of Tahal Ram @ Tahla Ram vide order dated 09.01.2026 as well as Lachhmi Devi vide order dated 14.01.2026 by this Court and the case of present accused-applicants is on parity with the above said accused. Accordingly, accused-applicants have exceptional circumstances, though they are bound to join the investigation. As such, applicants-accused are ordered to join the investigation and in case of their arrest, they be released on interim bail by the I.O./SHO to his own satisfaction subject to compliance of provisions of Section 482 (2) of BNSS. However, applicants-accused are bound to join investigation and to co-operate with the Investigating Agency. Now the bail application is to come up on 31.01.2026 for report, record and arguments.

Sd/-

Dated:28.01.2026.

*'Bhola Shankar'**'Stenographer Gr. I'*(Dharminder Paul Singla),
Sessions Judge, Fazilka.

UID no.PB0083.

Dharminder Paul Singla
Sessions Judge, Fazilka.
Dated: 28.01.2026