

***IN THE COURT OF MS. SMRITI DHIR
ADDITIONAL SESSIONS JUDGE
UID No:PB0518
FATEHGARH SAHIB.***

**BA Application No.275/2019
CNR No:PBFG010010672019
Date of Order: 03.04.2019**

1. Balwant Kaur aged about 80 years, wife of Sh.Mohan Singh, resident of Village Gopalpur, Near Rajpura, District Patiala.
2. Sukhdeep Singh aged about 68 years, son of Sh.Naratta Singh, resident of Village Sehjadpur, Tehsil Bassi Pathana, Distrit Fatehgarh Sahib.

....Applicants

V E R S U S

STATE OF PUNJAB

..... Respondent

***FIR No.0029 dated 18.03.2019
Under Sections 448, 380, 511, 506, 147, 149
IPC
PS Bassi Pathana.***

Application for Anticipatory bail U/s 438 of Cr.PC

Present: Sh.G.S.Saini Advocate for the applicants
Sh. Charanjit Singh Bhullar Addl.PP for the State
Sh.JPS Batra Advocate for the complainant

Smriti Dhir UID No:PB0518
03rd April 2019

Judge, Special Court
Fatehgarh Sahib

ORDER

1. This order of mine shall dispose of anticipatory bail application in FIR No.29 dated 18.03.2019, under Section 448, 380, 511, 506, 147, 149 IPC, PS Bassi Pathana.
2. The prefatory note of the case as projected in the FIR is that complainant Mahinder Singh has alleged that on 16.03.2019, when he alongwith his wife and relative Harshdeep Singh was present at his house then at about 12:30 p.m. he heard the noise coming from the right side of his house and the complainant alongwith his wife and relatives saw that his sister-in-law Balwant Kaur (present applicant), her brother Bachittar Singh and Sukhdev Singh and one relative Gurmeet Singh and Joginder Singh alongwith certain unknown persons armed with Sabal and Hammer were breaking the wall of the shop and when the complainant tried to stop the above stated persons then they threatened the complainant of the life threatening consequences. On this the complainant called on the helpline No.181 and thereafter the complainant and Balwant Kaur alongwith Gurmeet Singh and Balwinder Singh MC of their ward were called at Police Station and where Balwant Kaur and Gurmeet Singh stated that under misconception the wall of the shop was broken and they assured that

on 17.03.2019 they will reconstruct the broken wall and it has been alleged that till now the broken wall has not been reconstructed and complainant when opened the shutter of their shop, he found that 2 plastic chairs, table and one carrier of Innova Car was stolen. Hence the FIR.

3. On notice, Ld.Addl.PP for the State assisted by counsel for the complainant contested the bail application.
4. The learned counsel for the applicant submitted that an electric meter connection running in the disputed property is in the name of applicant no.1 and false case has been foisted against the present applicants and there is no truth to the allegations so levelled which is evident from the fact that applicant no.2 is 100% blind and the counsel for the applicants has placed on record the disability certificate issued by the Civil Surgeon. It has been further submitted that no allegation has been levelled against the applicant no.2.
5. Perusal of the record shows that no specific allegations has been levelled against the applicant no.2. The disability certificate placed on record by the applicant shows that applicant no.2 is 100% blind and applicant no.1 is an octogenarian and the veracity of the allegations so levelled against the present applicants have to be ascertained. Articles

have already been recovered. Moreover, Investigating Officer has suffered a statement that the present applicants have already joined the investigation. Accordingly, in the attending circumstances, interim relief so granted to the present applicants is hereby made absolute and is confirmed. Nothing mentioned in the aforementioned paragraphs shall be construed as opinion on the merits of the case. The record of bail application be consigned to record room (J) Fatehgarh Sahib.

***Announced in open court
Dated:03.04.2019***

***(Smriti Dhir)
Judge, Special Court
UID No:PB0518
Fatehgarh Sahib.***

I attest to the accuracy and authenticity of this document