

UNIQUE IDENTIFICATION NO. PB-00086
In the Court of Shri Avtar Singh
Additional Sessions Judge, Pathankot

CNR No. PBPO01000107 2021
BA/31/2021

FIR No. 126 dated 07.11.2019
Under Section 419, 420, 427, 120-B IPC.
Police Station Taragarh, District Pathankot.

Kans Raj, aged 65 years, son of Ganda Ram, resident of Khanpur Chowk,
Pathankot, Tehsil and District Pathankot.

Applicant-accused...

Versus

State of Punjab

First Bail Application under Section 438 of Cr.P.C.

Present:-

Shri J.C. Shukla Advocate for applicant-accused
Smt. Ambica Gupta Additional Public Prosecutor for State.

ORDER

1. My this order will dispose of an application under section 438 of the CrPC submitted by applicant/accused Kans Raj son of Gandu Ram.
2. Notice of the bail application has been given to the State.
3. Brief facts of the case are that the present FIR was registered on the statement of Sumit Kumar that he is resident of Ram Nagar, Mukerian and working in Cyber and Forensic Expert, Ludhiana. His grand mother namely Vidiya Devi was residing at Chelechak where 19

Kanals 4 marlas land were in her name. We have sown crop in our share in the land, on which his uncle i.e. applicant-accused Kans Raj has forcibly cultivated the land and legal action be taken against him. The investigation was initiated and offence was made out under Sections 419, 420, 427, 130-B of IPC.

4. I have heard Learned Additional Public Prosecutor for the State, learned counsel for the accused/ applicant.

5. The learned Addl. Public Prosecutor for State contested the bail application and requested that the offence is serious in nature and the bail application of applicant-accused must be dismissed.

6. On the other hand learned counsel for the accused/ applicant argued that accused/ applicant has been falsely implicated in this case. Learned counsel for applicant-accused further argued that applicant-accused is now leading a retired and is senior citizen having children serving in the Army and also the daughter who is married. Smt. Banti Devi alias Vidya Devi is his mother and she inherited the estate of Shri Gandu Ram on the basis of registered Will 11.03.1980 for which the mutation no.448 village Chela Chak was entered and sanction in her favour on the death of Shri Gandu Ra on 25.05.1982. the pedigree table was prepared in which Smt. Banti was mentioned as Daya Wanti and in the said mutation order she has been described as Vidya Wanti. However, in the post office account no.1341440 opened on 28.07.1983, the mother of applicant has described herself as Banti Devi. There is no confusion about the identity of Banti Devi as the only female being the wife of Gandu Ram. He further argued that during the life time, Banti Devi alias

Vidya Devi has been the joint owner in possession to the extent of 1/5 share of land measuring 88 Kanals 16 marlas. Applicant-accused has not committed any offence. He be granted bail.

7. From the submissions of learned Additional Public Prosecutor for the State, learned counsel for the accused/ applicant and from the perusal of the police file, it is clear that there is specific allegation against the accused-applicant that complainant has sown crop in his share in the land, on which applicant-accused Kans Raj has forcibly cultivated the land of the complainant. The offence is serious in nature. Accused is not entitled for the extraordinary relief of anticipatory bail. The present bail application is therefore dismissed. Bail application file be consigned to the records.

(Avtar Singh),
Additional Sessions Judge Pathankot
UID No-PB00086

Date of Order: 23.01.2021
(Mandeep Singh Rana)
Stenographer-II