

In the court of Sh. Kewal Krishan, Additional Sessions Judge, Patiala.

Case Type	Bail Application
Date of Institution	27.1.2021
Date of registration	28.1.2021
CIS No.	BA/310/2021
CNR No.	PBPT 010010392021
Date of Decision	3.2.2021

1. Paramjit Kaur aged 34 years, D/O Sh. Balbir Singh, resident of H.No.170, Ablowal, Patiala.
2. Prem Kumar aged about 54 years son of Sh. Masat Ram, R/O House No.77, Dakala Road, Sheesh Mehal colony, Patiala.

...Applicants-accused

Versus

1. State of Punjab
2. SHO/Incharge of P.S. Passiana, District Patiala

...Respondent

FIR No.not known dated not known
Under Section not known,
Police Station: Passiana, Patiala

Ist Application Under Section 438 Cr.P.C.

Present: Sh. A.S. Bindra Advocate Counsel for the applicants-accused.
Sh. Vishal Khullar Id. Addl. Public Prosecutor for the State along with ASI Satpal Singh.

- Order:
1. Apprehending their arrest, the applicants have moved this application under Section 438 Cr.P.C for anticipatory bail.
 2. ASI Satpal Singh has appeared and made statement that one

Balkar Singh son of Sh. Fakir Chand has lodged a complaint against the applicants Prem Kumar and Paramjit Kaur with SHO, P.S. Passiana. An inquiry of this complaint is being conducted by ASI Paramjit Singh. He has also placed on record copy of complaint and report of SHO.

3. Heard. Learned counsel for the applicants has argued that the applicants are innocent having no criminal background. The police is trying to implicate them in a false case at the instance of the complainant. The police raided the house of the applicants, but they were not present there. The applicants have belief that the police will arrest them in a non-bailable offence. Thus, the applicant may kindly be granted anticipatory bail.
4. On the other hand, learned Addl. Public Prosecutor has argued that the application is not maintainable as till date no FIR has been registered against the applicants. This application deserves dismissal.
5. This Court has heard the contentions of learned counsel for the applicant and learned Addl. Public Prosecutor for the State. Admittedly, a complaint has been submitted by the complainant Balkar Singh before the SHO of Police Station Passiana. Till date, no FIR has been registered at PS Passiana against the applicants, this application does not fulfill the necessary ingredients of Section 438 Cr.P.C. Therefore, this application stands dismissed. However, if FIR is registered against the

applicants, before making their arrest, three days prior notice be given to them. File be consigned to the Judicial Record Room, Patiala.

Pronounced in open Court, (Kewal Krishan)
On 3.2.2021 Addl. Sessions Judge, Patiala
(UID No.PB0182)

(Narinder Sharma Stenographer I)