

**IN THE COURT OF MS. JATINDER KAUR,
SESSIONS JUDGE, FAZILKA (UID No. PB0062).**

CIS NO. BA/2410/2023.

Date of Instt: 07.11.2023.

CNR No. PBFZC0-006252-2023.

DATE OF ORDER: 09.11.2023.

Piar Kaur aged about 55 years wife of late Sh. Darshan Singh resident of village Aliana, Tehsil and District Fazilka.

-----Applicant-accused.

Versus

Darshan Singh son of Manna Singh son of Bhagat Singh resident of village Kavan Wali, Tehsil and District Fazilka.

-----Respondent-complainant.

Application for bail u/s 438 (i) Cr.P.C. in a complaint case titled 'Darshan Singh versus Darshan Singh etc.' under sections 420/120-B IPC.

Present: Sh. Amandeep Singh, Advocate counsel for applicant.
Sh. K.G. Sain, Advocate counsel for respondent.

ORDER

This order of mine shall dispose off present anticipatory bail application U/S 438 (1) Cr.P.C. moved by the aforementioned applicant-accused in a complaint case under section 420, 120-B IPC filed by the complainant 'Darshan Singh against Darshan Singh and others' levelling allegations of cheating with the complainant. Vide order dated 12.07.2023 passed by learned Illaqa Magistrate, accused no. 2 Piar Kaur and accused No. 3 Surinder Singh were ordered to be summoned to face trial for committing offence under sections 420, 120-B IPC, while accused No.1 Darshan Singh died during the pendency of complaint.

Apprehending her arrest, present anticipatory bail application has been moved on behalf of applicant-accused Piar Kaur.

Jatinder Kaur, Sessions Judge, Fazilka. 09.11.2023.

2. Notice of the bail application was given to the respondent-complainant. Shri K.G. Sain Advocate put appearance on behalf of complainant and contested the bail application.

3. I have heard the learned counsel for the accused-applicant, learned counsel for respondent-complainant and have also perused the record.

4. The learned counsel for the applicant-accused contended that the above noted complaint case has been filed before the Illaqa Magistrate by the complainant by levelling false allegations against the applicant-accused. In the said complaint, the applicant-accused has been summoned vide order dated 12.07.2023 under sections 420, 120-B IPC by the learned Trial Court. The applicant is ready to face trial before the learned Trial Court. The learned counsel for applicant-accused has thus, prayed for acceptance of the present anticipatory bail application.

On the other hand, learned counsel for complainant-respondent has opposed the bail application by submitting that the applicant-accused has committed the serious offence and moreover, proclamation notice has been issued against the bail applicant, as such, she should not be granted the benefit of anticipatory bail.

5. Perusal of Trial Court file reveals that after passing the summoning order on 12.07.2023, processes were being issued to the applicant-accused repeatedly, but when she failed to appear, proclamation under section 82 Cr.P.C. was issued against her, but she has not been declared P.O. till date. Considering the facts and allegations levelled against the accused-applicant and that the applicant-accused has been summoned by the learned Trial Court to face trial under section 420, 120-B IPC vide summoning order dated 12.07.2023, other than on police report, coupled

with the fact that the applicant is ready to face trial, the applicant is directed to appear before the Trial Court within 07 working days from today and on her appearance, the court shall release her on bail to the satisfaction of the Trial Court/Duty Magistrate. Accordingly, present application is hereby allowed. Copy of this order be sent to the Trial Court.

6. Bail application file be consigned to the Record Room, Fazilka, after due compilation. -Sd/-

Pronounced
Dated: 09.11.2023
(Sanjeev Narang)
(Stenographer Gr.II)

(Jatinder Kaur),
Sessions Judge,
Fazilka (UID No. PB0062)

BA 2410 of 2023 Piar Kaur vs. Darshan Singh
CNR No. PBFZC0-006252-2023

Present: Sh. Amandeep Singh, Advocate counsel for applicant.

Upon notice, Shri K.G. Sain, Advocate put appearance on behalf of respondent-complainant and contested the bail application.

Record of learned trial Court received and perused. Heard. Vide my separate & detailed order of today, the bail application u/s 438 (1) Cr.P.C. applied on behalf of aforementioned applicant-accused has been disposed off, as recorded therein.

Record of learned trial Court be returned alongwith copy of this order, while bail application file be consigned to the Record Room, Fazilka, after due compilation.

-Sd/-

Pronounced
Dated: 09.11.2023
(Sanjeev Narang)
(Stenographer Gr.II)

(Jatinder Kaur),
Sessions Judge,
Fazilka (UID No. PB0062)