

IN THE COURT OF DR RAM KUMAR SINGLA,
UID NO.PB-0122,
ADDITIONAL SESSIONS JUDGE,
KAPURTHALA.

CNR No. PBKP010030442021



Case No. BA/1100/2021

Presented on : 08-06-2021
Registered on : 08-06-2021
Date of Order : 10.06.2021
Next date of hearing : 08.07.2021

1. Gurmit Kaur, w/o Lakhvir Singh @ Kala, aged about 38 years, r/o Village Boot, Police Station Kotwali, District Kapurthala;
2. Jaspal Singh, s/o Lakhvir Singh @ Kala, aged about 21 years, r/o Village Boot, Police Station Kotwali, District Kapurthala;
3. Amanpreet Kaur @ Billo, w/o Gurmit Singh, aged about 30 years, r/o Village Boot, Police Station Kotwali, District Kapurthala.

..... Applicants/accused

Versus

State of Punjab.

..... Respondent.

FIR No.0161 of 05.06.2021,
U/s 353, 186, 506, 148, 149 of Indian Penal Code,
Police Station: Kotwali, Kapurthala.

Application for bail under section 438 of Cr.P.C.

Present: Sh.Suresh Kalia, Advocate, for applicants/accused,
through telecommunication.
Ms.Aarti, Mehta, Addl. Public Prosecutor for the State.

O R D E R

Record perused. **Arguments have been heard** on the present bail application of above referred applicants/ accused in the aforesaid FIR bearing No.0161 of 05.06.2021.

2. Briefly, the facts and circumstances necessary to be detailed therein for disposal of present bail application are that the present case was registered at the instance of Ranjit Singh – Block Development and Panchayat Officer Dhilwan (hereinafter called as complainant), whereby he put the version that a Resolution was passed on 01.06.2021 by the Gram Panchayat of Village Boot to get the vacation of 14 kanals land of the Gram Panchayat from Lakhvir Singh, who was in illegal possession thereof since long. The possession of the said land was further to be delivered to the Christian Community of the Village for the performance of final rights of their community. In consequent to get the possession of that land from Lakhvir Singh in a lawful manner, the police force along with executive authorities met to said Lakhvir Singh, who was in possession over that land and he was asked for any document reflecting his legal possession of him over the said land, but he failed to show any document. The officials of the Gram Panchayat with the assistance of police and executive authorities, made an attempt to take possession of that land by ploughing that land with tractors. The said Lakhvir Singh @ Kala along with his associates threatened the Sarpanch of the village and other police and executive authorities while armed with swords and sickles and also by way of brick batting. Accordingly, they caused hindrance to get the possession of that land to the police and executive authorities and restrained them from discharging their

official function to take possession of that land from said Lakhvir Singh.

3. The name of the assailants, who assailed upon the police and executive authorities as got recorded by the said authorities are as follows:-

1.Lakhbir Singh Kala; (2.Gurmeet Kaur; (3.Jaspal Singh;
(4.Lakhwinder Singh; (5.Kulwinder Singh; (6.Manga Singh;
(7.Som Kaur; (8.Malan Kaur; (9.Gurmeet Singh and (10.Billo.

The aforesaid persons were also found accompanied with more 10 unknown persons. The said allegations led to the registration of present FIR for the offence punishable under sections 353, 186, 506, 148 r.w. section 149 of Indian Penal Code. During the investigation proceedings, non applicant Lakhvir Singh @ Kala was apprehended in the present case on 06.06.2021. Aggrieved therefrom, the said allegations, the present applicants/accused have preferred the present anticipatory bail.

4. As against to the aforesaid FIR and occurrence, a cross-version occurrence got recorded vide DDR No.23 dated 06.06.2021 on the basis of statement of Gurmit Kaur wife of said Lakhvir Singh @ Kala, with the version that on 04.06.2021 at about 12.30 PM, she was present at her residence. In the meantime, Rajpal-Sarpanch along with Block Development and Panchayat Officer and other members of Panchayat and some other persons came to take possession of the land, which was in possession of her husband. The said Gurmit Kaur restrained them, but the said Rajpal assailed upon Gurmit Kaur with a sword, which hit at her right hand. His associate Charanjit assailed upon her with a sickle, which hit at the elbow of her left arm. Nishan Singh assailed her with a sword, which hit at her left shoulder.

Jasvir Singh gave a blow of sickle, which hit at the wrist of her left arm. She fell down the ground in unconscious condition and from where she was removed to Civil Hospital Kapurthala. However, the said DDR concluded that she got self-inflicted injuries by putting false allegations / version against the said persons.

5. The learned counsel for the applicants has argued that the applicants are falsely implicated in the present case. All the allegations against them are false and frivolous. The present FIR is politically motivated. A criminal colour has been given to a civil dispute. The matter qua the land in dispute has already been pending before the Hon'ble High Court and an order of status quo has been passed qua the land in dispute. Therefore, the police and executive authorities are found violative to that orders of status quo of the court and they themselves are guilty of disturbing the peace qua said land. The applicant no.1 is a simple household lady, applicant no.2 is a young boy and applicant no.3 is the niece of Lakhvir Singh, who is on the family way having due of seven months. Therefore, it is nothing to warrant their custodial interrogation. The applicants are ready to join the investigation proceedings which are formal in nature. Therefore, they are entitled to the concession of anticipatory bail. The learned counsel for the applicants/ accused in support of his contentions has placed on record copy of report of injuries said to be at the person of Gurmit Kaur.

6. The learned Additional PP for the State has argued that there are serious and direct alleagtions against the applicants/ accused and their other associates, who caused hindrance to get the possession of Panchayat Land by the police and executive authorities and restrained them from discharging

their official function to take possession of that land from said Lakhvir Singh. So, to these allegations, they could not be admitted on anticipatory bail. The investigation proceedings are under progress. There is need of proper investigation proceedings, to be conducted by way of custodial interrogation of the applicants/ accused to give the logical end to that crime, so, the anticipatory bail application under reference is liable to be dismissed. The alleged cross-version occurrence to receive injuries at the person of Gurmit Kaur wife of said Lakhvir Singh, is a manipulated one.

7. **Having heard** to their rival contentions and have gone through the file, but without commenting on the merits of the case, it is a no injury case at the persons of police and executive authorities, rather the allegations are mere causing hindrance by the applicants and their other associates to get the possession of Panchayat Land by the police and executive authorities. In addition to that, they allegedly restrained the said Government Authorities from discharging their official function to take possession of that land from said Lakhvir Singh. It is further debatable issue whether the cross-version as got recorded by Gurmit Kaur wife of Lakhvir Singh to receive injuries at her person at the hands of Sarpanch and Panchayat Members of that village in that occurrence is genuine one or the result of self-inflicted injuries at her person. Moreover, two of the applicants are women folk of the accused persons and the third one is a young boy, so, the interest of justice warrants to take lenient view to put them behind the bars. Therefore, as a whole, the entire occurrence is not warranting at least the custodial interrogation of present applicants. To this situation, the applicants/ accused have been held entitled to the concession of anticipatory bail to them.

8. Consequently, the present applicants/ accused are hereby directed to surrender before the Investigating/Arresting Officer **within 07 days from today** and on their surrendering, they will be admitted on interim bail on furnishing the bail bonds and surety bonds subject to the satisfaction of Arresting Officer. Failing to comply this order within that prescribed period by the applicants/ accused, this order shall stand vacated of interim bail to them. This order of interim bail to the applicants/ accused is subject to the compliance of necessary provisions of Section 438 (2) of the Code of Criminal Procedure by them. Police record be returned accordingly.

Let compliance report and further progress report qua that investigation proceedings be awaited for 08.07.2021.

Pronounced in open Court.
Dated: 10.06.2021
Paramjeet Singh
(Directly dictated on computer)

(Dr Ram Kumar Singla)
Addl. Sessions Judge,
Kapurthala.
UI Code – PB0122

CNR No. PBKP010030442021 **Case No. BA/1100/2021**

Gurmit Kaur & Ors. Vs. State of Punjab

Present: Sh.Suresh Kalia, Advocate, for applicants/accused,
 through telecommunication.
 Ms.Aarti, Mehta, Addl. Public Prosecutor for the State.

Arguments have been heard. Vide my separate detailed order of even date, applicants/ accused have been granted interim bail, as detailed therein. Police record be returned accordingly. Let compliance report and further progress report qua that investigation proceedings be awaited for 08.07.2021.

Pronounced

Dated: 10.06.2021

Kaushal Kumar*

(Dr Ram Kumar Singla)
Additional Sessions Judge-II,
Kapurthala.
UID No. PB0122