

**IN THE COURT OF Ms.RAJNI CHHOKRA, ADDITIONAL
SESSION JUDGE, FEROZEPUR(On Fast Track Courts to
exclusively deal with the rape cases)**

(UID No. PB-0168)

PBFZ010022302020



CIS No.BA 1039 of 2020
CNR No.PBFZ0100-22302020
Date of order : 10.06.2020.

1. Bachan Singh aged 19 years son of Jaswant Singh
2. Pritam Singh son of Jaswant Singh both residents of village
Sadhu wala Tehsil and District Ferozepur.

Applicants-accused

**Versus
STATE**

FIR No.02 dated 16.05.2018

under section 447,427,511,454,380,149 of IPC

PS Talwandi Bhai

Present ;

Sh. Arwind Sehgal counsel for applicant

Sh. Balwinder Singh, Additional PP for the
State.

RAJNI CHHOKRA,
Addl. Sessions Judge,
Ferozepur
(On the establishment of Fast Track
Courts to exclusively deal with the rape cases)
(UID No. PB-0168)

ORDER

Applicants have filed present bail application under Section 438(i) Cr.P.C. through their counsel for granting them anticipatory bail.

2. It is averred in the application that applicants/accused have not committed any offence as alleged in the FIR. It is further averred that there is no tangible evidence to connect the present applicants with the alleged offence. It is further averred that Nahar Singh who is the owner of the suit land is residing at Canada and Balvir Kaur wife of Nahar Singh has got a family dispute with her husband and she had filed a civil suit for grant of maintenance against Nahar Singh her husband through her General Power of Attorney namely Chhinder Singh son of Balvir Singh in the Civil Court at Ferozepur on 20.9.2017 titled as Balvir Kaur Versus Nahar Singh, much prior to the transfer of the suit land by Kashmir Singh vide registered transfer deed dated 06.12.2017 and in the said civil suit, Balvir Kaur wife of Nahar Singh filed an application for injunction restraining Nahar Singh from alienating the suit land during the pendency of the civil suit. It is

further averred that Kashmir Singh who alleged himself to be the power of attorney of Nahar Singh with malafide intentions had transferred the suit land in favour of his wife namely Sukhjit Kaur wife of Kashmir Singh and Manjit Kaur wife of Karamjit Singh vide registered transfer deed dated 06.12.2017 in order to defeat the rights of maintenance of Smt. Balvir Kaur. Kashmir Singh complainant who alleges himself to be the power of attorney of Nahar Singh with malafide intention had transferred the suit land in favour of his wife Sukhjit Kaur wife of Kashmir Singh and Manjit Kaur wife of Karamjit Singh vide registered transfer deed dated 06.12.2017 in order to defeat the rights of maintenance of Balvir Kaur. It is further averred that Kashmir Singh alleged General Power of Attorney of Nahar Singh has got no locus standi to get register the FIR regarding the suit land as well as regarding the residential Kothi built thereon. The suit land as well as the residential Kothi built thereon is not in possession of Kashmir Singh at any point of time rather the same is in possession of Smt. Balvir Kaur and her children through her General Power of attorney namely Chhinder Singh son of Balvir Singh. Thereafter, Smt.

Balvir Kaur had amended the plaint and had impleaded arrayed the above said transferees namely Sukhjit Kaur and Manjit Kaur as defendants in the civil suit. It is further averred that Chhinder Singh being General Power of Attorney of Balvir Kaur have also contested the sanctioning of mutation regarding the transfer of the above said land in favour of the transferees namely Manjit Kaur and Sukhjit Kaur and the mutation regarding the suit land has been adjourned sine die by the Sub Divisional Magistrate cum AC Ist Grade, Ferozepur. It is further averred that since Chhinder Singh is contesting the litigation between Smt. Balvir Kaur and her husband Nahar Singh regarding the suit land.

3 An inquiry in this regard was also conducted by the Deputy Superintendent of Police, Zira on the directions of Senior Superintendent of Police, Ferozepur and the Deputy Superintendent of Police, Zira vide his inquiry dated 8.6.2018 found all the accused mentioned in the above said FIR innocent and has recommended for the cancellation of FIR. It is further averred that nothing is to be recovered from the petitioners and as such the custodial interrogation is

not required. Prayer has been made that arrest of the petitioners be stayed till disposal of bail application. Hence, the present bail application.

4. Upon notice Sh. Balwinder Singh, Additional PP has appeared on behalf of the State-respondent and contested bail application. Police record was summoned and perused.

5. Learned counsel for applicant has contended as per the lines as mentioned in the bail application. He further contended that custodial interrogation of the applicants is not required and the applicant is ready to join investigation and will not misuse the concession of bail, if so granted by the Court. It was prayed that application be allowed.

6. On other hand, learned Additional PP for the State has argued that Serious allegations are levelled against the applicants and they are not entitled for bail as prayed for. It was prayed that application be dismissed.

7 This court has heard counsel counsel for the applicant, learned Additional PP for the State and have gone through the record on file.

8 Perusal of record, it has been revealed that the allegations against the applicants/accused are that they alongwith with non applicants had ploughed up the wheat crop sown by Kashmir Singh on 10.12.2017. It is further alleged that the applicants/accused are that they alongwith with non applicants have broken the lock of the residential house of Nahar Singh which has been constructed in his land and taken away fridge, Television, gas cylinder, furniture, six bags of fertilizer and other domestic goods on 23.01.2018.

9. It has come on record in the police file itself that Chhinder Singh is the power of attorney of Balbir Kaur wife of Nahar Singh son of Sadhu Singh. The above stated Nahar Singh has transferred his land and other property in favour of Sukhjit Kaur and Manjit Kaur and complainant Kashmir Singh is the husband of Sukhjit Kaur. It has also come on record that Nahar Singh has dispute with his wife Balbir Kaur and Balbir Kaur has filed the civil suit for claiming

maintenance from her husband Nahar Singh through the above stated Chhinder Singh. The alleged occurrence is of December 2017 and January 2018. Even in the enquiry made by DSP all the accused were found innocent.

10. So taking into consideration all the above stated facts and circumstances, without commenting much upon the merits of the present case, it is the fit case to grant interim bail to applicants. As the custodial interrogation of the applicants is not required and nothing is to be recovered from them. The applicants are ready to join the investigation and undertook to cooperate the Investigating Officer, it is ordered that the bail application of the applicants is allowed and in the event of their arrest, applicants Bachan Singh and Pritam Singh shall be admitted to interim bail to the satisfaction of the Investigating Officer on or before 12.06.2020 with the following conditions:-

- (i) the applicant(s) shall make themselves available as and when required by the Investigating Officer,
- (ii) the applicant(s) shall not induce/threat any of the prosecution witness or tamper with the evidence in any manner,

(iii) the applicant(s) shall not leave India without
prior permission of this court.

11. Report of Investigating Officer be called for 12.06.2020

Dated: 10.6.2020

Shakti Bala, Stenographer Grade-I.

Sd/-(Rajni Chhokra)
Addl. Sessions Judge, Ferozepur
(on the establishment
of Fast Track Courts
to exclusively deal
with the rape cases)(duty)

Shakti Bala Stenographer Grade-I

direct dictation

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RAJNI CHHOKRA,
Addl. Sessions Judge,
Ferozepur
(On the establishment of Fast Track
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