

In the Court of Sh.Gurmeet Tiwana, Additional Sessions Judge, Kapurthala,
UID No. PB-0249. (Duty)

CNR No. PBKP010031732026



Case No. BA/1394/2026

Presented on : 17-06-2026
Registered on : 17-06-2026
Decided on : 23-06-2026

1. Visesh aged 18 years son of Jaspal Sahota resident of Village Allowal, Tehsil Nakodar, PO Sainiwal, District Jalandhar, Aadhar Card No.9712-5957-5350;
2. Lovepreet aged 19 years son of Jaspal Sahota resident of Village Allowal, Tehsil Nakodar, PO Sainiwal, District Jalandhar, Aadhar Card No.9434-9870-7945;
3. Lakhvir Kumar aged 31 years son of Ramesh Kumar, resident of Near Ghanta Ghar, Natho Patti, Gholia Khurd, Nihar Singh Wala, District Moga.

.... Accused/applicants

Versus

State of Punjab.

..... Respondent.

FIR No.176 dated 30.05.2026
U/Ss 329(3), 305, 324(4), 330(2),
351(3), 3(5) BNS
Police Station City Kapurthala.

Application for bail under Section 482 BNSS.

Present: Sh.R.K. Anand, Advocate for the accused/applicants.
Sh.APS Dhillon, Additional Public Prosecutor for the State,
assisted by Sh.Malkit Singh Thind, Advocate.

ORDER

Present bail application filed by the above mentioned
accused-applicants under Section 482 of BNSS, put up before me being
the Duty Judge, during summer vacations.

2. Notice of the bail application was given to the State. No reply
was filed by the State.

3. I have heard learned counsel for the accused/applicants and learned Additional Public Prosecutor for the State, assisted by learned counsel for the complainant, and have gone through the record with their able assistance.

4. Learned counsel for the accused/applicants has argued that the accused-applicants are innocent. A civil dispute is given colour of criminal case by using political influence by the complainant. Father of the applicants no.1 and 2 namely Jaspal Sahota is tenant of complainant in the property where trespass is alleged. He filed civil suit against the complainant on 21.05.2026. Ad-interim injunction was granted by the Civil Court. Despite that police registered the FIR on 30.05.2026, on the basis of alleged occurrence, which took place on 27.05.2026. When Jasbir Sahota was himself in possession of the property, there is no question of trespassing into the property of the complainant. Jaspal Sahota had moved application for bail but by that time, he was already arrested, so said bail application became infructuous. Applicant no.1 aged about 18 years and applicant no.2 aged about 19 years are sons of Jaspal Sahota. They have been implicated in this case. They are ready to join investigation. Therefore, in the event of their arrest, they be released on bail.

5. On the other hand, learned Additional Public Prosecution for the State, assisted by learned counsel for the complainant, has opposed the application and argued that Jaspal Sahota was inducted as a tenant in the property on 15.03.2025 for a period of three years till 14.03.2028 on monthly rent of Rs.45,200/-. He started illegal acts in the property.

Complainant moved written complaint against him. Then, he entered into agreement dated 27.05.2026 and agreed to removed his furniture, without damaging the building. But on 27.05.2026 itself, present applicants as well as Jaspal Sahota had broken open the locks of the showroom with the help of iron cutting machine. The same is recorded in the CCTV Footage. Then, they took illegal possession and deployed the bouncers in the property. Then, they started threatening the complainant that they would get him killed from those bouncers. They had taken away Laptop and Charger belonging to the complainant. Recovery is to be effected. The damage is to be assessed. They are not entitled to bail.

6. After hearing rival contentions, I have perused the file. As per case of the complainant himself, he had rented out the property to Jaspal Sahota for three years on 15.03.2025 till 14.03.2028. So, the tenancy was not terminated by any of the parties. If any illegal activity was taking place in the property, appropriate remedy to the complainant was to seek ejectment. He did not approach the Rent Controller or Civil Court, as the case may be. To the contrary, Jaspal Sahota filed injunction suit and ad-interim injunction was granted to him. The alleged occurrence is of 27.05.2026, injunction order was granted on 21.05.2026. This is not the case of the complainant that he was handed over the possession before 21.05.2026. In fact, the alleged agreement is produced by the learned counsel for the complainant today itself. Meaning thereby, prima facie Jaspal Sahota was still in possession of the property. Thus, there cannot be any trespass by Jaspal Sahota or the applicants. Jaspal Sahota is already

arrested in this case. Applicants are ready to join investigation. Their custodial investigation is not required. Therefore, the present application is allowed. Accused-applicants shall join the investigation within 05 days and in the event of their arrest, Investigating Officer is directed to release them on bail, upon furnishing bail bonds and surety bonds to the satisfaction of the Investigating Officer. This order is subject to conditions under Section 482(2) of the BNSS, 2023. The accused/applicants shall co-operate with the investigation and shall not directly or indirectly influence any witness or tamper with the evidence.

7. The present bail application be put up before the Learned Sessions Judge, Kapurthala, on 06.07.2026, for entrustment.

Pronounced in open Court.
Dated:23.06.2026.

Mohinder Kumar

(Gurmeet Tiwana) (Duty)
Additional Sessions Judge,
Kapurthala (UID No. PB-0249).