

IN THE COURT OF SH. KAMALJIT LAMBA
ADDL. SESSIONS JUDGE, PATIALA
(UID PB0055)

CNR No: PBPT0100-5510-2018
BA No. 3260/2018
Decided on: 2.8.2018

(BA 1)

1. Sukhdev Ram, aged about 33 years son of Tarlok Singh
 2. Sita Ram, Aged about 36 years son of Deepa Ram
- Both resident of Sarain Dass Colony, Nabha, District Patiala

...Petitioners

Versus

State of Punjab

..Respondent

CNR No: PBPT0100-4968-2018
BA No. 1088/2018
Decided on: 2.8.2018

(BA2)

1. Harminder Singh, aged 50 years son of Karnail Singh resident of village Ghaniewal Khurd, Tehsil Nabha, District Patiala.
2. Balwinder Singh, aged 62 years son of Harnek Sigh resident of village Chaudhary Majra, Tehsil Nabha, District Patiala.

...Petitioners

Versus

State of Punjab

CNR No: PBPT0100-4605-2018
BA No. 991/2018
Decided on: 2.8.2018

(BA3)

Rakesh Kumar aged about 56 years son of Kanwar Bhan resident of House No. 385, Assa Singh Street, Nabha, District Patiala.

...Petitioner

Versus

State of Punjab

..Respondent

CNR No: PBPT0100-4606-2018

BA No. 992/2018

Decided on: 2.8.2018

(BA4)

1. Narinder Dhingra aged about 63 years son of Bhag Ram
 2. Rohit Dhingra aged about 26 years son of Narinder Dhingra
- Both residents of Rabb Ji Niwal, Assa Singh Street, Nabha, District Patiala.

...Petitioner

Versus

State of Punjab

..Respondent

FIR No. 86 dated 9.8.2017,
Under Section 323/341/427/447/511/
148/149 IPC
Added offence u/s 380/452 IPC,
Police Station Sadar, Nabha.

Present: Ms. RK Jassar and Sh. Deepak Sood, Advocates, for the
Petitioners
Sh. Sumit Malhotra, Addl. PP for the State

ORDER

This order of mine shall dispose of four bail applications titled as Sukhdev Kaur Vs. State, Harminder Singh Vs. State, Rakesh Kumar Vs. State, and Narinder Dhingra Vs. State as the same are arising out of the one FIR No. 86 dated 9.8.2017 under Sections 323/341/427/447/511/148/149/380/452 IPC registered at Police Station Ghanaur.

2. Notice of the bail application was issued to the State. Record produced and perused.

3. The facts for the disposal of the instant applications in brief are that the Police of Police Station Sadar, Nabha swung into action on receiving the complaint from Sukhjinder Singh @ Sukhchain Singh son of Joga Singh resident of Saluwal, PS Sadar, Nabha. In his statement he has alleged that his parents used to come to Dera Kutia Posti Baldev Colony, Alhoran Kalan from many time and used to serve there and he was born due to words of big Sant and he is serving in Dera Posti since his bith. 7-8

days ago he alongwith his parents came to serve in said Dera. Many other peoples also came there for serving in Dera where Om Parkash Jindal of Nabha had also come who told the Sant that the place near bridge of canal minor belongs to him and amalgamate the said place in the land of Dera. After getting the said land cleaned the follower of Dera in order to avoid the entry of stray cattles affix a gate there. Persons were present in Dera for service then complainant alongwith Kartar Singh who came to Dera on their tractors started cleaning the said land and to stop the stray animals for entering the Dera starting affixing a window then the persons whose shops falls therein namely Janta Dairy Wala Narinder and Raju Dairy Wala, Sukha Tea Vendor, Seeta Tea Vendor, Mohinder Scooter Mechanic, Fauji Vegetable seller and many persons of Bazigar Community of Sarain Dass Colony alongwith ladies came there and asked them as to why they are stopping their way to go backside their shops and they told the said persons that Om Jindal has donated the land to the Dera and they are affixing window for stopping stray animal to enter in the land. Then at about 10.30 PM when they affixed window then near the bridge the above said shopkeepers and other persons from nearby locality gathered there and started fighting with them and removed the window affixed there and started abusing them and started throwing brick bats upon them and they started running from there and said persons with sticks and Dangs started damaging the vehicles and even damaged the building of the Dera and when they were running from there one Shehanshah son of Bhajan Singh gave a blow of sharp stone on his head and one Rohit Dhingra gave blow of one more stone which hit on his right shoulder. Jassa Singh of Baldev Colony throw one stone which hit on wrist of his left arm. Then Seeta Tea Vender throw stoen which hit him on his right shoulder and then Ranjit Singh and Mohinder Singh, Gurmeet Ram and many unidentified persons also gave kick and fist blows and he raised hue and cry and became unconscious. Then aforesaid persons left from the spot with their Dandas and Sotas. On receiving the complaint, the police initially registered a case under Section 353/186/323/149 IPC, however, during investigation, after receipt of medical record offence u/s

323/341/427/447/511/ 148/149/380/452 IPC were added.

4. Learned Counsel appearing on behalf of respective applicants submitted that in pursuance of the orders passed by this court dated 24.5.2018 and 15.7.2018, the applicants have joined the investigation and they are no more required for custodial interrogation. He further submitted that a false FIR has been registered against the applicants and there is delay in lodging the FIR which has not been explained by the prosecution. Elaborating his submission, he submitted that alleged occurrence took place on 24.7.2018, whereas alleged FIR has been registered on 9.8.2017. He further submitted that there were no allegations of theft in the initial version of this complaint, however, after 7 months offence under Section 380/457 IPC has been added to enhance the gravity of the offence. It is submitted that a Civil litigation is also pending in regard to the land in question. The complainant wants to forcibly encroach upon the way which leads to the shop of the applicant. With these submissions they prayed that interim bail granted to applicants be made absolute.

5. On the other hand, learned Addl. PP assisted by counsel for the complainant vehemently opposed the submission and it is submitted that though the applicants have joined the investigation but keeping in view the fact that the articles of the Dera i.e. Two Fans, Two cots, Seven wooden spade etc are still to be recovered. As such, the custodial interrogation of the applicants is required. Thus prayer for dismissal of the bail application was made.

6. This court has considered the rival submissions of the learned counsel appearing on behalf of their respective parties and with their able assistance, I have also gone through the record carefully and consciously.

7. This court is of the view that the applicants have admittedly joined the investigation and so far as the belated allegations that they had got stolen the Two Fans, Two cots, Seven wooden spade etc are subject matter of trail. Admittedly in the initial version, no such allegations levelled by the complainant and it is only after delay of 7 months he alleged theft of articles in his supplementary statement. The prosecution

shall have to establish through cogent evidence the allegations of theft. Keeping in view the facts and circumstances of the case, the bail applications are allowed and interim bail granted to applicants vide orders dated 24.5.2018 and 15.7.2018 is made absolute. Copy of this order be placed on the file of bail application titled as Harminder Singh Vs. State, Narinder Dhingra Vs State and Rakesh Kumar Vs. State. Police record be returned. File be consigned to the record room.

Pronounced
4.8.2018

Kamaljit Lamba,
Addl. Sessions Judge/Patiala
UID NO. PB0055

Jaspal Singh, Stenographer Gr-1I