

**In the Court of Sandeep Singh Bajwa, Addl. Sessions Judge, Amritsar.**

**B.A. no. 1810/2019,  
CNR No.PBAS010108322019  
Date of Institution : 3.4.2019  
Date of order : 1.5.2019**

**S T A T E**

Versus.

1. Balwinder Kaur wife of Kulwinder Singh aged 45 years r/o Devidasspura.
  2. Pinder Kaur w/o Sahib Singh aged 49 years;
  3. Gurpreet Singh s/o Sahib Singh aged 25 years
- Both residents of village Wadali Dogran, Tehsil and Distt. Amritsar.

**FIR no. 87 dated 30.3.2019.  
U/ss 379/447/511 of IPC  
Police Station : Jandiala, Amritsar.**

Ist application for anticipatory bail u/s 438 Cr.P.C.

Present : Mr. K.S. Randhawa, Advocate, counsel for the  
applicants/accused.  
Mrs Rittu Kumar,, Additional PP for the State assisted by Sh.  
A.S. Bajwa Adv Counsel for the complainant.

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**O R D E R**

1. The present bail application has been moved on behalf of applicants/accused Balwinder Kaur, Pinder Kaur and Gurpreet Singh under section 438 Cr.P.C in case FIR No. 87 dated 30.3.2019 u/s 379/447/511 IPC

PS Jandiala Guru, Amritsar.

2. Record received and perused.
3. Heard. In the instant case, the criminal law was set into motion by Gurpreet Singh Complainant who has alleged that he purchased 5m land from Balwinder Singh on 15.2.2019 for Rs.10,30,000/-and hall with one room on its top and Monty has been constructed and as the land falls in lal Lakir as such agreement has been executed in his favor and possession has been delivered to him and he had kept Cooler, bed, sofa, drum, cylinder and LCD in the property. He has further alleged that on 28.3.2019 at 12.30, Balkar Singh @ Juj, Nishan Singh, Jasbir Kaur, Kulwinder Singh, Gurbhej Singh, Amritpal Singh, Balwinder Kaur, Gurpreet Singh and Pinder Kaur broke the locks and stole LCD and tried to take possession of the property and he did not initiate any action as respectables refrained him from doing so. Thereafter, prayer has been made to take legal action. On the basis of statement instant FIR was lodged.
4. It has been contended by Ld. Counsel for the applicants that they are innocent and the prosecution has concocted the false story to falsely implicate the accused/applicants and their family members in the present case. It has further been contended that the complainant just to put pressure upon the

accused/applicants lodged the FIR. It is further contended that Kulwinder Singh and Balwinder Singh are brothers and possessed property in dispute and Gurpreet Singh is claiming the property i.e house situated in village. It is further contended that the complainant concocted the false story of breaking the locks and committing the theft of LCD which is not tenable. It is further contended that the applicants-accused will abide by all the terms and conditions of bail. Hence, prayer has been made for concession of anticipatory bail.

5. On the contrary, Ld.Addl.PP for the state assisted by Ld. Counsel for the complainant argued that custodial interrogation of the applicant/accused is essential for ascertaining their role and for recovery of the articles.

6. Having heard the rival submissions and on perusal of the record, it is revealed that there is nothing on record which could at this stage show that complainant had kept the domestic articles in the suit property and further there is delay of 2 days in lodging of FIR. Moreover, nothing is on record to show that complainant is in possession of the suit property except the alleged agreement and in this regard the applicants have placed on record majornama of the villagers that FIR is false. Hence, keeping in view the fact that there is delay of 2 days in lodging of FIR and nothing is on record which could show

that any article was kept in the suit property and that all the offences are bailable except offence under section 379 of IPC which is non-bailable and further in order to conduct the effective investigation, the applicants/accused are directed to join the investigation and in the event of there doing so, they are ordered to be released on interim bail subject to the satisfaction of the Investigating officer and subject to conditions laid down in section 438 (2) Cr.P.C. They will not threaten, promise or induce the prosecution witnesses. They shall not leave India without prior permission of the court. Now to come upon 9.5.2019 on which date record be also produced along-with compliance report.

**Pronounced :-1.5.2019.**

**(Sandeep Singh Bajwa)  
Addl. Sessions Judge, Amritsar.**

Manoj kumar ,Stenographer Grade-I.