

IN THE COURT OF RAKESH KUMAR,
UID NO.PB-0138,
ADDITIONAL SESSIONS JUDGE,
KAPURTHALA.

CNR No. PBKP010042842022



Case No. BA/1751/2022

Presented on : 14-09-2022
Registered on : 15-09-2022
Date of Order : 14.10.2022
Next date of hearing : 28.10.2022

Lavjot Khatri @ Lavjot Singh, s/o Ashwani Kumar, aged about 21 years, r/o Village Mirpur Marhi, Police Station Nakodar Sadar, Tehsil Nakodar, District Jalandhar.

..... Applicant/accused

Versus

State of Punjab.

..... Respondent.

FIR No.0046 of 05.09.2022,
U/s 379, 447, 511, 506, 427 of Indian Penal Code,
Police Station: Dhilwan, District Kapurthala.

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

Present: Sh.Rajdeep Singh, Advocate counsel for applicant/accused
Ms.Aarti Mehta, Addl. Public Prosecutor for the State.
Sh.J.J.S.Arora, Advocate counsel for the complainant.

O R D E R

Record perused. **Arguments have been heard** on the anticipatory bail of above referred applicant/ accused Lavjot Khatri @

Lavjot Singh in the aforesaid FIR bearing No.0046 of 05.09.2022.

2. The present FIR was registered at the instance of complainant Gurnashater Singh with the allegations that he was taking care of plot of his relative Sukhbir Singh, who was permanent resident of Canada. There are further allegations that in the intervening night of 10/11.07.2022 at about 11.30 PM to 02.30 AM, Lavjot Singh @ Sabi son of Ashwani Kumar, Ravi Kumar son of Lakhpal, along with 4-5 unknown persons, had tried to take forcible possession of the said plot of Sukhbir Singh while demolishing the boundary walls by their tractors. They also committed the theft of bricks of aforesaid broken walls. Afterwards, a compromise was effected on 15.07.2022 by said Lavjot Singh and Ravi Kumar, for re-building of aforesaid boundary walls by them on 16.07.2022. However, they failed to do the same, rather threatened the complainant to take forcible possession of said plot by them. In view of these allegations, the present FIR was registered.

3. The learned counsel for the applicant has argued that he has been falsely implicated in the present case. Rather, grandmother of applicant namely Manjit Kumari is an old aged lady of 81 years and on 11.07.2022, the complainant had tried to grab her land. The said Manjit Kumari had also moved a complaint to SSP Kapurthala and also filed a civil suit in this regard. So, it is nothing to warrant his custodial interrogation. He is ready to join the investigation proceedings, which are formal in nature. Therefore, he is entitled to the concession of anticipatory bail.

4. The learned Addl.PP for the State assisted by learned counsel for the complainant has argued that in view of the gravity of offence, the

applicant/ accused is not entitled to the concession of anticipatory bail. It is the investigation proceedings, to be conducted by way of custodial interrogation of the applicant/ accused to give the logical end to that crime. So, the bail application under reference is liable to be dismissed.

5. I have heard the submissions made by learned counsel for the applicant/ accused and learned Addl. PP for the State assisted by learned counsel for the complainant.

6. The only allegations against the applicant/ accused Lovjot Khatri @ Lovjot Singh are that on the intervening night of 10/11.07.2022, the present applicant/ accused Lovjot Khatri @ Lovjot Singh, along with other persons, tried to take forcible possession of a plot belonging to Sukhbir Singh while demolishing the boundary wall. Further averments are that some compromise was also effected between the parties, wherein present applicant/ accused Lovjot Khatri @ Lovjot Singh had undertaken to re-build the boundary wall, so, whether such compromise was effected between the parties or not is a matter of evidence. Moreover, all the offence except offence punishable under section 379 of Indian Penal Code, are bailable in nature. Thus, in view of aforesaid observations, formal interrogation of the present applicant/ accused is warranted instead of the custodial interrogation of the applicant/ accused. Therefore, he is held entitled to the concession of anticipatory bail to him.

7. Consequently, the present applicant/ accused Lovjot Khatri @ Lovjot Singh is, hereby, directed to surrender before the Investigating/Arresting Officer **within 10 days from today** and on his surrendering, he 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 applicant/accused, this order shall stand vacated of interim bail to him. This order of interim bail to the applicant/accused is subject to the compliance of necessary provisions of Section 438 (2) of the Code of Criminal Procedure by him.

8. Let compliance report and further progress report qua that investigation proceedings be awaited for 28.10.2022.

Pronounced in open Court.

Dated: 14.10.2022

Kaushal

(Directly dictated on computer)

(Rakesh Kumar)

Addl. Sessions Judge,

Kapurthala.

UI Code – PB0138