

PBGD010036192021



Presented on : 31-05-2021

Registered on : 31-05-2021

Decided on : 07-06-2021

**In the Court of Shri Ajit Pal Singh, Additional Sessions Judge,
Gurdaspur UID NO.PB0226**

Bail Application No. 230 of 31.05.2021

CIS No. BA-1713-2021

Date of decision: 07.06.2021

1. Sarwan Singh son of Thuru Ram, resident of House No.156, Ward No.1, Dharampura, Post Office Qadian, Tehsil Batala, District Gurdaspur,
2. Sukhwinder Kaur wife of Sunil Kumar, resident of Golden Avenue, Gurdaspur
3. Sunil Kumar son of Prem Raj, resident of Golden Avenue, Gurdaspur
4. Harjit Kaur wife of Parshotam Singh, resident of village Fajjupur, Post Office Dhariwal, District Gurdaspur

----Applicants/accused

Versus

State of Punjab

----Respondents

FIR No. Nil dated Nil

U/s 406/498-A IPC

P.S. City Batala

Ist Application for bail under section 438 CrPC

Present: Shri Ranjit Singh, Adv., counsel for the applicants/accused through whatsapp call.
Shri Vikram Kashyap, Additional PP for the State.

ORDER

1. This order of mine shall dispose of 1st bail application moved by above said applicants/accused under Section 438 Cr.PC in the above noted case.

2. Notice of bail application was given to the State upon which, learned Additional Public Prosecutor put in appearance.

3. In pursuance of notice, SI Sukhdev Singh, No. 2452/BTL. P.S. City Batala suffered statement to the effect that an application was moved by Roshni daughter of Tarsem Lal, R/o Kacha Kot, Bhandari Mohalla, Batala against Sarwan Singh son of Thuru Ram, resident of House No.156, Ward No.1, Dharampura, Post Office Qadian, Tehsil Batala, District Gurdaspur, Sukhwinder Kaur wife of Sunil Kumar, Sunil Kumar son of Prem Raj, both resident of Golden Avenue, Gurdaspur and Harjit Kaur wife of Parshotam Singh, resident of village Fajjupur, Post Office Dhariwal, District Gurdaspur and an inquiry is pending against them. However no FIR has been registered against above said applicants till date. Accordingly, keeping in view of the totality of the facts and circumstances of the case referred to above, the present anticipatory bail application under section 438 Cr.P.C being devoid of any merits, same is ordered to be declined being infructuous.

4. However, if in this case accused/applicants arrested in the afore said police station at the instance of present complainant, for offences which are punishable with imprisonment for a period of less than seven years, in such like offences Hon'ble Supreme court of India has given the direction to be followed by the Investigating officer before effected arrest of the accused in case law titled as **Arnesh Kumar versus State of Bihar reported in 2014 (3) -Criminal court cases-001** and those directions shall be complied with. In case applicants are sought to be arrested in the afore said circumstances, three days prior notice shall be

given to them to enable them to approach the appropriate court to avail appropriate remedy, if any available under the law. Copy of this order be conveyed to the concerned police station and bail application file be consigned to record room.

Dated: 07.06.2021

Krishan Goyal, Stenographer-II

(Ajit Pal Singh)
Additional Sessions Judge,
Gurdaspur UID No.PB0226