

*In the Court of Sh. Amar Paul,
Addl. Sessions Judge
Gurdaspur.*

Bail Application No. Nil of 30.05.2022
Date of Order 01.06.2022

CNR No. PBGD01-003942-2022 CIS No. BA-1681-2022

1. Balwinder Kaur wife of Amrik Singh, son of Dharam Singh
2. Amrik Singh son of Dharam Singh,

Both resident of village Bhaini Mian khan, Tehsil and District
Gurdaspur.

.... Applicants/Accused

Versus

State of Punjab ... Respondent

FIR No. 39 dated 21.05.2022

U/s 379/427/186 IPC

Police Station Bhaini Mian Khan

First Bail Application U/S 438 Cr.P.C.

Present: Sh. Gurdial Singh Bhullar, Advocate, for applicant-accused.
Sh. K.S. Gill, Additional PP for the State.

ORDER

Applicant sought anticipatory bail under Section 438 Cr.P.C
on the ground that he applicants have been falsely implicated in this case.
It has been further contented that one of the co-accused Mukhtar Singh
has already been released on bail by this court. It has been further
contented that I fact applicants are in possession of disputed land from
where the alleged theft of sugarcane has been alleged by the complainant.
Applicants parties have filed civil suit against the complainant in which

status quo was passed by but later on there stay application was dismissed against which they had filed appeal which is pending. Civil litigation is already pending. It is further contended that earlier regarding the same subejct matter of the land one false FIR was registered against them in which they are acquitted by the court. Applicants are in cultivating possession and they had sown sugarcane and complainant has no concern. Accordingly, applicant are ready to join the investigation by co-operating police and prayed for bail.

2. Notice of the bail application was given to the Additional PP for the State who appeared on behalf of the State and opposed the bail application and prayed for dismissal of the same.

3. Police record was called which has been received and perused.

4. Heard. Considered. In this case FIR has been registered on dated 21.05.2022 on the complaint of complainant Dhiano on the brief contents that her husband Preetu was in possession of land 18 kanals 10 marlas in the area of Navian Baghran for the last 40/45 years and after his death she alongwith his family is in possession and cultivating the land. The land in question was in the ownership of Central Government and applicant forcibly want to possess the said land. Due to which, she had filed petition under section 145 Cr.P.C. before SDM and SHO was appointed as receiver. But to stop the proceedings under section 145 Cr.P.C. applicant had filed Civil Suit before the Court, but the Civil Court

dismissed the stay application of the applicant. Now applicant forcibly on dated 28.02.2022 in connivance with the SHO of P.S. Bhaini Mian Khan forcibly cut of the crop of sugarcane and committed the theft of the same. On the basis of money power they purchased the local police and no body is hearing her and accordingly action was sought and after inquiry FIR has been registered.

5. In this case applicant have supported their contentions by documents attached with the bail application regarding land from there theft of sugarcane has been alleged. Dispute of civil nature is already pending between the parties. Both the pares are claiming possession of disputed land. It is a no injury case. It would be seen whether offence under Section 353 IPC is made out or not during trial. Applicants are ready to join the investigation by co-operating the police and got effecting the recovery of measurement scale if any. Hence, at this stage, applicants are directed to join the investigation before the Arresting Officer till 04.06.2022 and on doing so, Arresting Officer shall release the applicants on interim anticipatory bail subject to the conditions laid down under section 438(2) Cr.P.C. to its satisfaction. Now to come up on 04.06.2022 for consideration on the bail application on merit and Record be also produced on the date fixed.

Pronounced in open court
Dated: 01.06.2022

Priya Phutella Stenographer Gr-II

(Amar Paul),
Addl. Sessions Judge,
Gurdaspur. UID No. PB0450.