

**IN THE COURT OF JAAPINDER SINGH ADDITIONAL SESSIONS
JUDGE, FAZILKA. (UID NO.PB0235)**

Case Details

Case Type	BA
Regn. No.	BA-2320-2023
CNR No.	PBFZC000-6023-2023
Date of order	31.10.2023.

Jasvinder Singh, aged about 26 years son of Sh. Charanjeet Singh resident of village Dharangwala, Tehsil Abohar, District Fazilka.

...Applicant.

Versus

State of Punjab

...Respondent.

FIR No. 71 dated 23.09.2023

U/s. 380/379/447/511 IPC

Police Station Sadar Abohar.

Bail application Under Section 438(i) Cr.PC.

Present: Sh. Rakesh Bhateja, Advocate counsel for applicant.

Shri B.S. Bhatti, Additional PP for the State.

ORDER:

1. Present application filed on behalf of applicant-accused Jasvinder Singh, seeking anticipatory bail in the matter, details of which have been referred above, shall be disposed of through this order.
2. Learned Additional Public Prosecutor has appeared on behalf of the state today upon notice in the application, but he has not sought to file any written reply to the application and has opposed/contested the same orally. Police record of the matter has been produced by ASI Bhagwan Singh, No. 655/FZK, PS Sadar Abohar.
3. The facts of the matter, as per contents of the FIR and other documents/papers, are that complainant Khushpreet Kaur alleged that her sister Veerpal Kaur and Gurpreet Singh, husband of Veerpal Kaur, had started residing with Parkash kaur wife of Gurdev Singh, the “Maasi” (mother's sister) of the complainant as said Parkash Kaur was having ill health and her husband, sons and daughters-in-law did not care for Parkash Kaur and resided separately from her. That Parkash Kaur sold her residential house in lieu of the expenses incurred for care of Parkash Kaur by Gurpreet Singh, in favour of Veerpal Kaur, for an amount of

Rs.4,85,000/- and also executed a writing in this regard on a stamp paper. That after the death of Parkash Kaur, on 21.08.2023, her husband, sons and daughters-in-law tried to break open the locks of the “Petti”(Trunk) of Parkash Kaur, but they were prevented by the relatives from doing so. That cases were got registered by Veerpal Kaur against Gurdev Singh etc and by Gurdev Singh, against complainant party, on 30.08.2023. That complainant and her sister Veerpal Kaur went to Shree Harmander Sahib, on 08.09.2023 for paying obeisance and upon returning on 09.09.2023 they came to know that in their absence, accused party, including present applicant-accused, entered the house in question, demolished the wall thereof and committed theft of outer gate of the house, broke open the locks of the house and of the “Petti” and committed theft of articles lying therein. That accused party also committed theft of 25 domestic cocks and 5 goats from the house and accused and attempted to take possession of the house illegally.

4. It follows from a careful appreciation of rival contentions of learned counsel for the applicant-accused as well as learned APP for the state, that prior to present FIR No. 71 dated 23.9.2023, another FIR No. 61 dated 04.09.2023 was got registered at same police station i.e. PS Sadar Abohar by complainant Gurdev Singh, alleging that Veerpal Kaur, her husband Gurpreet Singh, present complainant Khushpreet Kaur and others, forcible entered into the house of complainant and inflicted beatings and injuries to him. As per the submissions made by the parties, rival claims over the house situated at village Dhrangwala are being made by Gurdev Singh and his children, on one hand and by Veerpal Kaur, sister of present complainant Khushpreet Kaur, on the other hand. Resolving of said rival claims, is a matter of civil nature and considered in the light of assertions made on behalf of the accused that co-accused Gurdev Singh, who claimed title over the house and pleaded in capacity of his wife Parkash Kaur, to alienate the house in favour of any other person, it is to be stated that alleged taking of articles from the house in question by accused Gurdev Singh and others would be liable to be assessed whether same comprised theft or not.

5. As such, in view of the facts noted above, this court is of the considered view that no valid purpose would be served by subjecting the applicant-accused to custody in the matter. It is undisputed that accused Gurdev Singh, husband of deceased Parkash Kaur, was arrested in the matter and has been released on regular bail.

6. Accordingly, applicant-accused Jasvinder Singh is directed to join the investigation before the IO/SHO of police station concerned before the next date of hearing. IO/SHO is also directed to release the applicant-accused on interim bail to his satisfaction on his so joining in the investigation subject to the following conditions:-

1. That the applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer and shall not temper with the evidence in the matter.
2. That the applicant shall not leave the country without prior permission of the court.
3. That the applicant shall join the investigation with the Investigating Officer before the next date fixed.

Now file be put up on 06.11.2023 for awaiting report regarding joining of the applicant-accused in the investigation and for further consideration/arguments on the application.

Pronounced in open Court.
Dated:31.10.2023.
Jasvir Steno

(Jaapinder Singh),
Additional Sessions Judge,
Fazilka : UID no.PB0235