

In the Court of Jatinder Pal Singh Khurmi, Additional Sessions

Judge, Hoshiarpur. (UID No.PBO-0057).

CNR No.PBHO01-003792-2021

CIS Number: 1415 of 2021

Date of Order: 2.7.2021

- 1) Chuhar Singh aged about 68 years son of Thakur Dass,
- 2) Jasvir Singh,
- 3) Kuldip Singh sons of Chuhar Singh, all residents of Village Bassi Hasat Khan, P.O Bahadurpur Bahian, P.S Sadar, Tehsil and District Hoshiarpur.

.....Applicants-accused.

Versus

State of Punjab.

.....Respondent.

CNR No.PBHO01-003809-2021

CIS Number: 1428 of 2021

Date of Order: 2.7.2021

- 1) Shingara Singh aged about 73 years son of Thakur Dass,
- 2) Avtar Singh aged about 22 years son of Shingara Singh, both residents of Village Bassi Hasat Khan, P.O Bahadurpur Bahian, P.S Sadar, Tehsil and District Hoshiarpur.

.....Applicants-accused.

Versus

State of Punjab.

.....Respondent.

FIR No.104 dated 17.6.2021.

U/ss 436, 427, 380, 457, 148 & 149 of IPC.

Police Station Sadar, Hoshiarpur.

(Two applications for anticipatory bail U/s 438 Cr.P.C).

Present: Shri Rohit Kumar, Counsel for all the applicants-accused.
Mrs. Mandeep Chahal, Additional PP for the State.

ORDER:

This order of mine shall dispose of two bail applications i.e. one filed by Chuhar Singh and others and second filed by Shinagara Singh and another, seeking anticipatory bail under Section 438 Cr.P.C in abovesaid FIR. It is pleaded that the FIR was registered on the statement of complainant

Sukhwinder Singh son of Daljit Singh in connivance with the police. Families of applicants as well as complainant belongs to same caste. The alleged motive mentioned in the FIR is due to marriage of Rajni with Prabhdayal brother of complainant against the wishes of family of Rajni. Infact, as per FIR, date of marriage is 4.6.2021 when Rajni daughter of Shingara Singh left her house alongwith cash and gold ornaments in the absence of her father and her brothers. Shingara Singh even moved a complaint before P.S Sadar on 4.6.2021 regarding enticement of his daughter alongwith Prabhdayal. As per FIR, Prabhdayal and Rajni applied for police protection on 15.6.2021 after 11 days of their marriage. No alleged occurrence took place and in order to avoid police action on account of enticement of Rajni who took gold ornaments, cash and gold, the present FIR was got registered. They are apprehending their arrest. They undertook to abide by the terms of bail and prayed for granting them anticipatory bail in the event of their arrest.

2. Upon notice, Learned Additional PP for State has orally opposed the bail application.

3. I have heard the arguments of Learned Counsel for applicant-accused as well as Learned Additional PP for the State and have perused the record carefully. Brief facts of the case are that FIR was registered on the statement of complainant Sukhwinder Singh son of Daljit Singh regarding burning of their house alongwith certain articles in the intervening night of 15/16.6.2021 at 11/12.00 PM. After hearing the extortions, he and his sister came out and saw 10-12 persons in which Ajay son of Shingara Singh armed with Sword, Shingara Singh son of Thakur Dass armed with Danda, Kuldip Singh son of Chuhar Singh armed with Sword, Chuhar Singh son of Thakur Dass and Jasbir son of Chuhar both armed with Danda, Kamaljit Singh son of Nasib Chand armed with Sword, Gurpreet Singh son of Nasib Chand empty

handed, Sukhwinder Singh son of Paras Ram armed with Khanda and other 4-5 unknown persons exhorted that they had insulted them by getting marriage of their daughter in their Village and they will not be spared. His sister saw the whole occurrence that they entered the house by damaging the main gate and they saw from backside that fire was coming from the house. After sometime, they went away after exhorting. Then his uncle Dilbagh Singh and Malkit Singh *Panch* had entered the house and saw that their LCD make Samsung, Television make LG, two cots and blankets, quilts etc prepared for his sister dowry were burnt. The electricity fitting and fan was also damaged. Even their Video Camera make Soni NX-100, gold ear rings weighing 5 grams and Rs.30,000/- cash were missing and accordingly, case was registered.

4. Now from the facts of the case, it comes out that applicants-accused are involved in heinous crime wherein they have burnt the most of the household articles as is clear from the photographs in the police file. As there are several accused and unknown persons involved in committing the offence of burning the household articles, police needs to thoroughly investigate the matter, for which the custodial interrogation of applicants-accused is very much required. Thus, the interim relief granted to all the applicants-accused is hereby vacated and they have also not co-operated the police in revealing the names of unknown persons. As such, without commenting further on the merits of the case, this Court finds that it is not a fit case for grant of anticipatory bail. Thus, both applications filed by applicants-accused under Section 438 Cr.P.C for grant of anticipatory bail, are hereby dismissed, being without merits. Police record returned and bail application be consigned to the record room.

Announced in open Court:
Dated: 2nd July, 2021.
'Gautam Manocha, JW (SG)'

(Jatinder Pal Singh Khurmi),
Addl. Sessions Judge, Hoshiarpur.
(UID No.PBO-0057).

Chuhar Singh & others Versus State. BA No.1415-2021.
(CNR No.PBHO01-003792-2021).

Present: Shri Rohit Kumar, Counsel for all the applicants-accused.
Mrs. Mandeep Chahal, Additional PP for the State.

Police file received. Arguments heard. Vide my separate detailed order of even date, in the main bail application titled as Chuhar Singh and others, Versus State, this bail application as well as bail application filed by Shingara Singh and another, under Section 438 Cr.P.C for grant of anticipatory bail, are hereby dismissed, being without merits. Copy of this order be placed in the connected bail application. Police record returned and bail application be consigned to the record room.

Announced in open Court:
Dated: 2nd July, 2021.

‘Gautam Manocha, JW (SG)’

(Jatinder Pal Singh Khurmi),
Addl.Sessions Judge, Hoshiarpur.
(UID No.PBO-0057).