

**IN THE COURT OF JASWINDER SHEEMAR,
ADDITIONAL SESSIONS JUDGE, GURDASPUR (UID No.
PB0093).**

BA No. 16 of 16.01.2018

CIS NO. BA-144-2018

Date of Order: 07.02.2018

**Kuljit Kaur alias Gurmeet Kaur wd/o Balwinder Singh, R/o village
Thetharke, Tehsil Dera Baba Nanak, District Gurdaspur.**

-----Bail applicant

Versus

The State

-----Respondent

FIR No. 104 of 22.10.2017

U/s 306 IPC

P.S. Dera Baba Nanak

1st Application for Anticipatory Bail U/s 438 Cr.P.C

Present: Sh. S.S. Aujla, Advocate, counsel for bail applicant.
Sh. J.P. Bains, Additional Public Prosecutor for State.
Sh. S.S. Randhawa, Advocate, counsel for complainant.

ORDER

1. This is an **anticipatory bail application** filed on behalf of bail-applicant **Kuljit Kaur alias Gurmeet Kaur**, in an **FIR 104 of 22.10.2017** under **Section 306 of IPC**, police Station **Dera Baba Nanak**.

2. **Notice** of the bail application was issued to the State through learned Additional Public Prosecutor for the State, who contested the bail application. Sh. K.S. Randhawa, Advocate, appeared on behalf of complainant.

3. The **police record** was **requisitioned**, however, the same was not produced by the IO despite five opportunities given to him for this purpose.

Jaswinder Sheemar,
Additional Sessions Judge,
Gurdaspur. 07.02.2018

(UID No. PB0093)

4. I have **heard** the learned counsel for bail-applicant and learned Additional Public Prosecutor for the State, and gone through the copy of FIR, attached with the bail application, with their kind assistance.

5. The bare perusal of the FIR reveals that FIR in this case had resulted at the instance of Lakhwinder Kaur (complainant) wife of Late Sewa Singh (deceased). The complainant has levelled allegations that Sewa Singh (deceased) was having some sort of collaboration with Gurmit Kaur wife of Baljinder Singh, resident of village Thetherke, who told him that Paramjit Kaur (sister) of Gurmit Kaur is a travel agent and in case, Sewa Singh (deceased) is interested in sending his children abroad, then she could help him. Since, Sewa Singh (deceased) was an illiterate person, therefore, he fell prey with assurance given by Gurmit Kaur. Sewa Singh (deceased), then met Paramjit Kaur, who assured him to send his children abroad, therefore, Sewa Singh (deceased) after borrowing amount from his relative, handed over the same to Paramjit Kaur through Gurmit Kaur, who in return, procured fake visas and as such, the children of Sewa Singh (deceased) came back and on this account, he had been demanding back the amount, but Paramjit Kaur remained dilly dallying the matter on one pretext or the other, which led Sewa Singh (deceased) into depression. Sewa Singh (deceased) told the complainant that his amount will not be returned and how would he return the borrowed amount, as such, he took some poisonous substance and finished his life. Sewa Singh (deceased) has died due to Gurmit Kaur and Paramjit Kaur.

6. Although, the police record has not been produced by the concerned Investigating Officer despite various opportunities, yet, from the FIR, itself, it emerges out to surface that the direct allegations have been levelled against the bail applicant. In view of the serious allegations levelled against the bail applicant, I do not deem this case fit, where the bail applicant is entitled to anticipatory bail, therefore, the anticipatory bail application filed on behalf of the bail applicant is ordered to be

Jaswinder Sheemar,
Additional Sessions Judge,
Gurdaspur. 07.02.2018

(UID No. PB0093)

dismissed.

7. No observation made while deciding the bail application shall effect the merits of the case.

8. Bail application file be consigned to the record room.

Announced in open court
07.02.2018

(Jaswinder Sheemar)
Additional Sessions Judge,
Gurdaspur (UID No.PB0093)

**Rajeev Gupta,
Stenographer-I**

Jaswinder Sheemar,
Additional Sessions Judge,
Gurdaspur. 07.02.2018

(UID No. PB0093)

Kuljit Kaur versus State

Present: Sh. S.S. Aujla, Advocate, counsel for bail applicant.
Sh. J.P. Bains, Additional Public Prosecutor for State.
Sh. S.S. Randhawa, Advocate, counsel for complainant.

Sh. S.S. Randhawa, Advocate, has filed power of attorney on behalf of the complainant.

The police record not produced by the IO. Arguments heard. Vide my separate order of even date, the anticipatory bail application filed on behalf of the bail applicant has been **dismissed**. Bail application file be consigned to the record room.

Announced in open court
07.02.2018

(Jaswinder Sheemar)
Additional Sessions Judge,
Gurdaspur (UID No.PB0093)

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