

B.A. No.1441/2025
CNR No.PBRO-01-004738-2025
Date of Institution: 20.08.2025

1. Harbans Kaur,
2. Shamsher Singh Versus State of Punjab

Present: Sh. Shiv Kumar Kshatriya Advocate, counsel for the applicants-accused.
Sh. Rajinder Kumar, learned Additional Public Prosecutor for the State/respondent.

ORDER:-

1. This order of mine shall dispose of an application for anticipatory bail filed on behalf of applicants/accused **Harbans Kaur wife of Shamsher Singh and Shamsher Singh son of Joginder Singh** in case bearing FIR No.107 Dated 30.07.2025, under Sections 303(2), 238, 3(5) of BNS, 2023, Police Station: Chamkaur Sahib.

2. In pursuance of notice of the application having been issued, the learned Additional Public Prosecutor for the respondent-State has put in appearance. Police record has been produced and perused.

3. Learned counsel for applicant has vehemently argued that the applicants/accused are innocent persons and have committed no offence. He has further argued that the applicants-accused have been falsely implicated in the present case. He further argued that earlier the applicants/accused got registered an FIR No.14 dated 13.02.2025 under Section 329 of BNS, Police Station Sri Chamkaur Sahib against Harbans Singh as Harbans Singh wants to take forcibly possession of their

property. The present FIR has been registered against the applicants/accused with the motive to counter blast of the present FIR. He further argued that the bricks which were alleged to be stolen by the applicants/accused, were already taken into police possession by the police in case bearing FIR No.14 dated 13.02.2025 under Section 329 of BNS, Police Station Sri Chamkaur Sahib and the applicants/accused have also prepared the video when the police taken into possession the bricks from the land of the applicants/accused. The applicants/accused are ready to join the investigation and will abide by all the terms and conditions imposed by the learned Court and vehemently prayed for acceptance of pre-arrest bail application of accused/applicants.

4. On the other hand the learned Additional Public Prosecutor contended that the allegations against the accused/applicants are serious in nature and therefore, he is not entitled for grant of pre-arrest bail and prayed for dismissal of the bail application.

5. SI Rajinder Kumar No.733/R, Incharge, Police Post Dalla, Police Station Sri Chamkaur Sahib appeared on 22.8.2025 and suffered a separate statement that there is no any other FIR is registered against both the applicants/accused.

6. After giving my thoughtful consideration to the rival submissions and on careful perusal of the averments put in the application, contents of the FIR, perusal of the record produced by SI Rajinder Kumar, coupled with the assistance rendered, it is apt to make

mention that the applicant/accused Harbans Kaur had already lodged FIR No.14 dated 13.02.2025 against the present complainant under Section 329 BNS and as per the FIR against the applicants/accused, the alleged occurrence is mentioned from the date 17.04.2025 to 20.05.2025. Learned counsel for the applicants-accused placed on record copies of passports and as per that both the accused departed on 10.05.2025 to United States of America and they arrived in India on 19.08.2025. As per other documents produced on record, the material was lifted by the police through various trucks, the videography of the same is also attached herewith and from the whole record at this stage, nothing is there which needs custodial interrogation of the applicants/accused. The allegations levelled by the complainant against the applicants/accused are matter of trial. Hence, taking note of the totality of the facts, the court is of the opinion that ends of justice shall be squarely met in case applicants/accused are directed to make themselves available to facilitate thorough and fair investigation. As such, the applicants/accused are directed to appear before the SHO/investigating officer within **10 days** from today and they shall fully cooperate. On putting in appearance, the applicants/accused shall be admitted to bail on their furnishing the bail bonds in the sum of **Rs.50,000/-** with one surety in the like amount each, to the satisfaction of the Investigating Officer/S.H.O of the concerned police station, with the directions:-

- i) that the applicants-accused shall join the investigation as and when required by the police;

- ii) that the applicants-accused will not interfere in the investigation;
- iii) that the applicants-accused will not leave India without prior permission of the trial court;
- iv) that the applicants-accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence;
- v) that the applicants-accused shall attend the court on each and every date of hearing.

7. The bail application is accordingly allowed. Copy of order be sent to the concerned Police Station for compliance. Police record has been returned. File be consigned to the record room.

Pronounced in open Court:-
Dated: 26.08.2025

Ty. by Sohan Lal STG-I

(Pushpinder Singh)
Additional Sessions Judge,
Rupnagar [UID No.PB00285]

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 applicants-accused.
 Sh. Rajinder Kumar, learned Additional Public Prosecutor for
 the State/respondent.

Police record produced and perused. Arguments heard. Vide
my separate detailed order of even date, bail application has been allowed.
Copy of order be sent to the concerned Police Station for compliance.
Police record has been returned. File be consigned to the record room.

Pronounced in open Court:-
Dated: 26.08.2025

(Pushpinder Singh)
Additional Sessions Judge,
Rupnagar [UID No.PB00285]

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