

**In the Court of Ms. Rana Kanwardeep Kaur Chahal,
Addl. Sessions Judge, Kapurthala (UID No.PB00223)**

CNR No. PBKP010038062024



Case No. BA/1560/2024

Presented on : 05-08-2024

Registered on : 06-08-2024

Date of Order : 21.08.2024

**Next date of
hearing** : 28.08.2024

1. Rajinder Kumar, s/o Mayadhari Tejpal, aged about 55 years, r/o Gali Chhappar Wali, District Tarn Taran;
2. Suman Bala, w/o Rajinder Kumar, aged about 50 years, r/o House No.264, Gali Chhappar Wali, District Tarn Taran.

...Applicants/accused

Versus

State of Punjab

..Respondent

FIR No.0201 of 25.07.2024,
U/s 447, 448, 380, 427, 506, 148, 149 of IPC
i.e. 329, 305, 324, 351(2) & (3), 191(3), 190 of
BNSS, 2023,
P.S. City Kapurthala

BAIL APPLICATION UNDER SECTION 482 of BNSS

Present: Sh.Rajeev Garg, Advocate for applicants/accused.
Sh.APS Dhillon, Addl.P.P. for the State.
Sh.M.D.Gautam, Advocate for the complainant.

ORDER:

1. Applicants/accused have filed this bail application under Sections 447, 448, 380, 427, 506, 148, 149 of IPC i.e. 329, 305, 324,

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ASJ/Kapurthala
Dated 21.08.2024

351(2) & (3), 191(3), 190 of BNSS, 2023, registered at Police Station City Kapurthala, District Kapurthala.

2. Upon notice, Sh.APS Dhillon, Additional Public Prosecutor appeared on behalf of State and opposed the bail application.

ARGUMENTS OF LD. COUNSEL FOR APPLICANTS/ACCUSED:

3. The learned counsel for the applicants/accused has submitted the allegations in the FIR are totally false & frivolous. Applicants are respectable and peace loving citizens of India. They are law abiding citizens and having good reputation in society. Applicant No.1 was Government Employee and retired from the post of Patwari. They have been falsely implicated in this case. No offence as mentioned in the FIR, is made out against the applicants. Both the applicants were never in possession of said property. There is not an iota of involvement of applicants regarding the alleged incident mentioned in the FIR. There is apprehension of their arrest at the hands of police. Applicants/accused undertakes to abide by the terms to be imposed while releasing on bail and accordingly, it is prayed that their bail application be allowed.

ARGUMENTS BY LD. ADDL. PUBLIC PROSECUTOR FOR THE STATE ASSISTED BY LEARNED COUNSEL FOR COMPLAINANT:-

4. On the other hand, the learned Addl. P.P for the State assisted by learned counsel for complainant has hotly opposed the submissions of learned counsel for the applicants/ accused. He has argued that in order to bring truth on record and for proper facilitation of

investigation, custodial interrogation of applicants/accused is necessary and applicants/accused does not deserve the concession of anticipatory bail. Accordingly, a prayer is made for dismissal of the bail application.

5. Further, SI Rakesh Kumar had appeared and suffered a statement that as per record, no bail application under the provisions of section 438 Cr.P.C. or 439 Cr.P.C. before the Hon'ble High Court or decided by it or by any other Superior Court in the present case filed by or against the present applicants/ accused.

6. **I have heard the Ld. Counsel for the applicants/accused and Ld. Addl.P.P. for the State assisted by learned counsel for complainant and have also gone through the record.**

7. Police record received and perusal of the same reveals that the FIR in this case has been registered at the instance of complainant Hardeep Singh with the allegations that he entered into an agreement to sell with accused Daljit Singh on 19.02.2024 and made a huge payment to Daljit Singh with regard to land measuring 40 kanal. There are further allegations that out of 40 kanals of land, sale deed for land measuring 23K-18M was executed and sale deed for remaining land was to be executed. The said property was in possession of accused Mandeep Singh, who was cultivating the land after execution agreement to sell. The said property was vacated and possession of the land was handed over to complainant. A writing was also executed by Mandeep Singh, whereby he delivered the possession of property to complainant. However, accused Daljit Singh started lingering on the matter after receiving the balance sale

consideration, qua execution of sale deed for remaining land. In order to defraud the complainant, he asked accused Mandeep Singh, brother of said Mandeep Singh and 4-5 persons to cultivate the land, which was in possession of complainant and forcibly cultivated the entire 40 kanals of land. The accused with an idea to take forcible possession of the property, also broke open the locks of the room, attached with the tubewell and committed theft the articles lying there. The said wheat crop was worth more than Rs.1.5 lac. The theft had been taken place in the presence of Jagdeep Singh Saini, who was also present there on 16.04.2024. At that time, complainant was out of station. There are further allegations, all the accused, in connivance with each other, have committed fraud with the complainant. Moreover, accused Daljit Singh and Rajinder Kumar asked the complainant to deposit an amount of Rs.12,00,000/- in the bank account of accused Suman Bala, wife of Rajinder Kumar and said amount was transferred in the account of said Suman Bala, at the instance of accused Pritam Singh, Daljit Singh and Rajinder Kumar. There are further allegations that said Daljit Singh also asked the complainant to deposit Rs.14,00,000/- in the account of accused Amarjit Singh and payment was made accordingly by complainant. The accused had also stolen the wheat crop of complainant. He was also threatened by accused persons with dire consequences. In view of these allegations, the present FIR was registered.

8. While hearing the bail application, it is well settled law that Court is not required to appreciate and scrutinize the evidence in

detail. However, for deciding such application, nature of offence, manner in which it is alleged to have been committed, role attributed and also other circumstances are required to be considered.

9. At this juncture, without going into the merits of the instant case, this Court is of the considered opinion that before deciding this bail application on merits, it is appropriate to direct the applicants/accused to join investigation which would be beneficial for further progress of investigation. As such applicants/accused are directed to join investigation within 07 days from today by surrendering before the IO/SHO of Police Station City Kapurthala, District Kapurthala and in the event of arrest of applicants/accused, such Arresting Officer is directed to release them on interim bail in this case, on their furnishing bail bonds/surety bonds to his satisfaction, as per law. Now to come up on **28.08.2024 for awaiting report of I.O. regarding joining of investigation by applicants/accused.** Police record be returned and be produced again on the date fixed.

Pronounced
Dated:21.08.2024
Kaushal

(Rana Kanwardeep Kaur Chahal),
Addl. Sessions Judge, Kapurthala
UID No.PB00223)

CIS CASE NO.	BA/1560/2024
CNR NO.	PBKP010038062024

Present: Sh.Rajeev Garg, Advocate for applicants/accused.
Sh.APS Dhillon, Addl.P.P. for the State.
Sh.M.D.Gautam, Advocate for the complainant.

Arguments heard. Vide my separate detailed order of even date, the interim bail is granted to applicants/accused as stated therein. Now to come up on **28.08.2024** for **awaiting report of I.O. regarding joining of investigation by applicants/accused.** Police record be returned and be produced again on the date fixed.

Dated:21.08.2024

Kaushal

**(Rana Kanwardeep Kaur Chahal),
Addl. Sessions Judge, Kapurthala
UID No.PB00223)**