

**IN THE COURT OF JASWINDER SINGH,
ADDITIONAL SESSIONS JUDGE, GURDASPUR**

**Bail Appl. No. 53 of 25/01/2022
CIS No. BA/232/2022
CNR No. PBGD01-000528-2022
Date of Decision: 27/01/2022**

1. Ambika Khanna w/o Sandeep Khanna, resident of 101, Urban Estate Batala, District Gurdaspur.
2. Amala Sawhney w/o Gautam Sharma, resident of 139/B, Greater Kailash, Batala, District Gurdaspur.

.....Petitioners

Versus

State of Punjab.

.....Respondent.

FIR No. 272 Dated 30.12.2021
Cross Case vide GD No. 033 Dated 01.01.2022
U/Ss 307, 506, 148, 149, 427 IPC & 25/27 of Arms Act,
Police Station :- Civil Lines, Batala.

1st Anticipatory bail application under Section 438 Cr.P.C.

Present: Shri Parun Bhagowalia, Advocate, counsel for
petitioners.
Shri Kiran Kumar, Ld. Additional P. P for State

ORDER

1. This is an application under Section 438 of Cr.P.C. filed by the petitioner seeking anticipatory bail for the alleged commission of offences as mentioned above.

2. Upon notice, learned Additional P.P put in appearance on behalf of respondent-State and contested the bail application. Police record was also requisitioned.

3. This is a version and cross version case. Initially, FIR was got registered by Ambika Khanna. Thereafter, a cross version was registered on the statement of Gurmeet Singh with the allegations that he is a property dealer and his office is in Greater Kailash Colony, Batala. He owns a 33 Marlas Plot in Greater Kailash Colony, Batala and he is in possession of the aforesaid plot for the last 16 years. Accused Ambika Khanna and Amla Sahni have been trying to take forcible possession of aforesaid plot and in this regard, he has moved an application dated 23/10/2021 in the office of the SSP, Batala. On 30/12/2021, at about 4:00 P.M., he and his employee Chander Dev were sitting outside his office where accused Ambika Khanna armed with revolver, Amla Sahni armed with 12 bore rifle, Ashwani Sahni armed with armed with 12 bore rifle, Aditya Sahni armed with pistol, Sarabjit Singh armed with revolver, Doctor Gautam armed with revolver, Malik Seth armed with revolver, Billa Seth armed with revolver, Maan Bajwa armed with .315 bore rifle and Manjit Singh armed with 12 bore rifle came there and demolished the wall of their plot. Certain unknown persons were also accompanying them. When he tried to stop them, they started firing towards them with intention to kill them. He fell down on the ground as he had received bullet pellets in his right calf. Accused Ashwani Sahni fired gun shots towards him and he saved himself by hiding behind his house. Thereafter, accused persons fled away from the spot. On the basis of above statement, the present cross version was

registered.

4. It is submitted by learned counsel for petitioners that the petitioners are innocent and has been falsely implicated in this FIR. Initially, FIR was got registered by Ambika Khana (petitioner no.1). The plot in question is owned by Ambika Khana and Amla Khana (petitioners). Accused Gurmeet Singh was trying to take forcible possession of the aforesaid plot and in this regard a civil suit bearing No. 1373 dated 28.12.2021, was filed against Gurmeet Singh etc, wherein, vide order dated 28/12/2021, the learned trial Court restrained the defendants from interfering in the possession of the plaintiff over the suit property. Thereafter, Gurmit Singh and co-accused tried to take forcible possession of the aforesaid plot and also tried to kill Ambika Khana and she got registered present FIR. The cross version has been got registered by Gurmeet Singh after a delay of 2 days just as counter blast to the aforesaid FIR. In the FIR, nothing is attributed to petitioners. Petitioners are not required for custodial interrogation. Petitioners are ready to join investigation and to cooperate in the same, so till the disposal of present bail application, they may be admitted to pre-arrest bail.

5. On the other hand, it is submitted by learned Addl. P. P. that the allegations against the petitioners are serious in nature. The custodial interrogation of petitioners are required for further investigation of the present FIR as well as for recovery of weapons, as such, present bail application may be dismissed.

6. I have considered rival contentions of learned counsel for petitioner as well as of learned Additional Public Prosecutor and also perused the record.

7. It is a version and cross version case. In the FIR, no specific over act is attributed to the petitioners. The FIR was registered on the statement of petitioner Ambika Khanna and thereafter, Gurmeet Singh has got registered the present cross version against the petitioners and others after delay of 2 days. Keeping in view the above facts and circumstances, petitioners are directed to join investigation on **02.02.2022 at 10:00 AM**. In the event of their arrest, they shall be admitted to interim bail on furnishing bonds to the satisfaction of Investigating/Arresting Officer and subject to the fulfillment of the provisions of Section 438 (2) Cr.P.C. The Investigating Officer is further directed to join the petitioners in investigation by maintaining the social distancing and by following all the instructions issued by the government for prevention of Corona virus/Covid-19. Now police record be produced on **03.02.2022** for arguments.

Pronounced in open court.
Dt: 27.01.2022
Gurpreet Singh, Stenographer-II

(Jaswinder Singh)
Addl. Sessions Judge,
Gurdaspur.UID No.PB0516

Present: Shri Parun Bhagowalia, Advocate, counsel for
petitioners.
Shri Kiran Kumar, Ld. Additional P. P for State

Police record produced by ASI Sukhraj No. 3319/Btl,
who suffered a statement that no other FIR is registered against the
petitioner in police station Civil Lines, Batala and as per record, apart
from present bail application, no other bail application of petitioner is
pending in any other court in India.

Arguments heard. Vide my separate detailed order of
even date, petitioner has been granted interim bail as per the
conditions referred therein. Now police record be produced on
03.02.2022 for arguments.

Pronounced in open court.
Dt: 27.01.2022
Gurpreet Singh, Stenographer-II

(Jaswinder Singh)
Addl. Sessions Judge,
Gurdaspur.UID No.PB0516