

Present:Sh.SS Kundra, Advocate for applicant/accused.  
Ms.Taranvir Kaur, Additional Public Prosecutor for the State.

**ORDER:**

Police record produced. Learned Additional Public Prosecutor has produced report of PS, Mukandpur, be placed on file.

2. Bail application under Section 438 Cr.P.C. has been filed by applicant/accused Jarnail Singh, in case FIR No.68, dated 31.12.2022, under Sections 379, 447, 120-B IPC, PS, Mukandpur.

3. Sh.SS Kundra, Advocate, appearing on behalf of applicant/accused has submitted that applicant/accused is innocent and has not committed any act of trespass or theft. Applicant/accused's wife Jaswinder Kaur is co-owner-in-possession as per her share of property regarding which trespass and theft has been alleged. It is alleged that applicant/accused being head of the family is cultivating and maintaining their share and he has no concern with anyone much less the complainant or other co-accused Jasvir Kaur as he has installed the tubewell decades back for source of irrigation. He has further submitted that there has been dispute between Jasvir Kaur and complainant since long as complainant tried to take forcible possession of share of Jasvir Kaur in September, 2022. Thereafter, complainant after few weeks tried to forcible irrigate the share of Jasvir Kaur from the tubewell of applicant/accused. Counsel for applicant/accused has placed on record copy of jamabandi for the year 2015-16 of Village Jhingran, wherein wife of applicant/accused namely

Jaswinder Kaur is shown to be owner-in-possession of the property. Lastly, prayer has been made to admit him on bail. On the other hand, learned Additional Public Prosecutor has contended that custodial interrogation of applicant/accused is required. Learned counsel for applicant/accused has submitted that applicant/accused is ready to join investigation. In such scenario, the applicant/accused is directed to put appearance before the Investigating Officer within 05 days for interrogation purposes and thereafter, he will be admitted on interim bail by the Investigating Officer on the following conditions:

- (i) That he will join the investigation as and when required by the Investigating Officer;
- (ii) That he will not tamper with the prosecution evidence;
- (iii) That he will not win over the witnesses, who are acquainted with the facts of case and
- (iv) That he will not leave India without previous permission of the Court.

4. Now, to come up on 02.02.2023 for awaiting report of Investigating Officer/SHO concerned.

**Pronounced.**  
**Dated:18.01.2023.**

*-Vinay-*

**Karunesh Kumar,**  
**Additional Sessions Judge,**  
**Shaheed Bhagat Singh Nagar.**  
**(UID No.PB-0082)**