

**IN THE COURT OF MS PALWINDER JIT KAUR,
ADDITIONAL SESSIONS JUDGE, HOSHIARPUR.
(UID NO. PB0187)**

CIS No. BA/1987/2024
CNR No. PBHO01006061-2024
Date of Institution: 15.07.2024.
Decided on: 24.07.2024.

Jaswinder Singh age 71 years son of Dhanna Singh resident of village Nainowal Jattan,
PS Bullowal, Distt. Hoshiarpur, at present confined in District Jail, Hoshiarpur.

...Applicant/accused

Versus

State of Punjab

...Respondent

FIR No. 98 of 14.06.2024.
U. Sections: 406, 420, 467, 468, 471, 120-B IPC
Police Station: Bullowal, Hoshiarpur..

Application for bail under Section 439 Cr. PC.

Present: Sh. JPS Dhanoa Adv. counsel for the accused/applicant
Sh. Tejvir Singh Addl. Public Prosecutor for the State.

ORDER

1. This order shall dispose of bail application filed by the applicant-accused under section 439 of the Code of Criminal Procedure for grant of regular bail. Notice of the bail application was issued to the State upon which learned Addl. Public Prosecutor appeared and contested the bail application. Police record has been produced which is perused.

2. As per the prosecution version, the instant case was registered on the complaint moved by the complainant Hardeep Kaur wherein she stated that here husband has expired on 20.10.2018 and after his death, six killas of land was

inherited by her and her children. Being lady, she could not look after the land, so she has given the said six killas of land to Jaswinder Singh on lease for Rs.28,000/- per acre, total Rs.3,36,000/- out of which Rs.30,000/- was given to her and the remaining amount has not been given to her till date. She demanded lease amount from Jaswinder Singh many times, but he put of the matter on one pretext or the other. Now the accused cut the paddy crop and when she demanded lease amount from him, accused asked her to send her son abroad. Thereafter, accused told her that her Massy 1035 Tractor and one New Holand 5620 tractor alongwith two trolleys and other cultivator implements are standing outsdie and is damaging, park it in my shed. She trusted him and kept all the above said vehicles alongwith implements in his shed at village Nainowal Jattan about three months back. When she visited at the house of Jaswinder Singh to take the lease amount and her tractor, then he told that her tractor has been taken by his relative as they were in need. But in the evening she came to know that he has given her tractor on rent to sow the wheat crop. Thereafter she went to his house and asked him to return his vehicles and other goods, but he refused to return the same and in this way Jaswinder Singh cheated her. During investigation accused was arrested.

3. It is pleaded in the bail application as well as argued by the learned counsel for the accused/applicant that the applicant is innocent. Actually the applicant had taken on lease some land of complainant and dispute arose regarding lease amount. The complainant was harassing applicant, so he left the land midway with standing crops, which was subsequently cut by the complainant. Earlier complainant and her second husband Baljit Singh sold some agricultural instruments to Sweg

Singh son of applicant for total sum of Rs.17 lacs and subsequently they developed malice in mind and got registered the false case. Sweg Singh had filed one complaint to ADGP NRI against complainant and her husband, but the police did not take any action. The applicant-accused is in judicial custody since 18.6.2024 and no recovery is to be effected from him. The applicant will abide by all the terms and conditions of the bail order. Hence, prayer is made for grant of regular bail to the accused/ applicant.

4. On the other hand learned Addl. Public Prosecutor for the State opposed the bail application stating that applicant-accused has committed serious offence. Hence, prayer is made for dismissal of the bail application.

5. I have heard the learned counsel for the applicant-accused, learned Addl. PP for the state and perused the police record.

6. Nothing is to be recovered from the applicant-accused. The applicant-accused is in custody since 18.6.2024. The presentation of challan and thereafter conclusion of the trial will take sufficient time. No useful purpose is going to be served by keeping the accused/ applicant behind bars for indefinite period, rather it will burden on the State Exchequer. So far as the averments/contentions of the learned Addl. Public Prosecutor for the State are concerned, those are matter to be appreciated only after taking evidence during trial.

7. Therefore, keeping in view of the principle that 'jail is an exception and bail is a rule', this bail application is **allowed** and the accused/ applicant is ordered to be released on furnishing his bail bond in the sum of **Rs. Two lacs** with two sureties in

the like amount to the satisfaction of the learned Illaqa/Duty Magistrate with the following conditions:-

1. That the applicant shall not influence the witnesses of the prosecution.
2. That the applicant shall appear in the court on each and every date of hearing.
- 3 That the applicant shall not leave the country without prior permission of the Trial Court.

8. However, it is made clear that in the event of his absence (without any reasonable cause) on any date of hearing, the benefit of bail allowed to the applicant shall stand withdrawn and the trial court shall be competent to cancel his bail bond and surety bonds and proceed to procure his presence in accordance with law. In that eventuality, the applicant shall have to apply for bail afresh. Police record be returned. Bail file be consigned to the record room, Hoshiarpur.

Pronounced in open court:

Date of Order : 24.07.2024.

Anil Kumar, JW

Direct dictation

(Palwinder Jit Kaur)
Addl. Sessions Judge,
Hoshiarpur
(UID No.PB 0187)

CIS No. BA/1987/2024

CNR No. PBHO01006061-2024

Jaswinder Singh Vs. State.

Present: Sh. JPS Dhanoa Adv. counsel for the accused/applicant
Sh. Tejvir Singh Addl. Public Prosecutor for the State.

Police record produced.

Arguments heard. Vide my separate detailed order of even date, the bail application is allowed in terms of the order. Police record be returned. Bail file be consigned to the record room, Hoshiarpur.

Pronounced in open court:

Date of Order : 24.07.2024.

(Palwinder Jit Kaur)
Addl. Sessions Judge,
Hoshiarpur
(UID No.PB 0187)

Anil Kumar, JW

Direct dictation