

**IN THE COURT OF PARMINDER SINGH RAI
ADDITIONAL SESSIONS JUDGE, GURDASPUR**

Bail Application No. 726/05.07.2023

CIS No. BA/1943/2023

CNR No. PBGD01-004827-2023

Date of Order: 12/07/2023

1. Balwinder Kaur w/o Amrik Singh,
2. Amrik Singh s/o Dharam Singh,
both residents of Village Bhaini Mian Khan, Tehsil and District
Gurdaspur.

.....Petitioners

Versus

State

.....Respondent.

FIR No. 42 dated 01.06.2023

U/ss 379,427,447, 183 IPC

Police Station: Bhaini Mian Khan

Bail application under Section 438 Cr.P.C.

Present: Sh. G.S. Bhullar, Advocate, counsel for petitioners.
Sh. Kiran Kumar, Ld. Additional P. P for State

ORDER

Present petition has been filed by petitioners seeking pre-arrest bail under Section 438 of Cr.P.C. 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. It is submitted by learned counsel for petitioners that petitioners are innocent and they have been falsely implicated in the

present case. It has been contended that same kind of allegations are levelled against the accused in earlier case and even FIR was also registered for the same offence and again another FIR for the same allegations have been registered. He had earlier been granted concession of bail as well and now lodging of the FIR for the same offence is again abuse of the process of law. He has contended that accused applicants have been coming in possession of the property even as per the report of the revenue officials. Petitioners are ready to join the investigation and to cooperate in the same, so they may be admitted to pre-arrest bail.

4. On the other hand, it is submitted by learned Addl. P. P. that the custodial interrogation of petitioners is required for further investigation in the present FIR, as such, present bail application may be dismissed.

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

6. As per the allegations, accused despite being passing of the order of SDM under Section 145 CR.P.C and despite being appointment of SHO as receiver by the SDM harvesting the sugarcane crop. For the same allegations accused applicant had been booked earlier and even granting concession of present bail vide order in this respect dated 27.05.2022 in case FIR no. 39 dated

21.05.2022, police Station Bhaini Mian Khan which order has also been placed on record which also pertains to same kind of allegations.

7. The order of SDM has been of the year 2020 only. Apparently documents placed on record by the applicants of the years 2022-2023 shows them to be in possession of the property by the revenue officials itself. Without commenting much upon the merits of the case when it is also the case that the matter is pending between the parties in Civil court as well and at this stage, no adjudication on the point of possession or no possession can be given and when role and liability would be subject matter of trial, so in such circumstances, it would be in larger interest of justice and investigation and even in the fitness of things as well that accused applicants be directed to join the investigation. As such, applicants are hereby ordered to join the investigation before the investigating officer on or before 26.07.2023, subject to the following conditions that:-

1. That they will not hinder the ongoing investigation;
2. That they will not leave the country without prior permission of the Court;
3. That they will not make any threat, promise or inducement to any person conversant with the facts of the case to dissuade them/her from disclosing the truth to the Court or police;
4. They shall join the investigation as and when asked by

the investigating officer,

5. They shall cooperate with investigation in the matter of present case and further subject to the fulfillment of Section 438(2) Cr.P.C

For report and consideration to come upon 29.07.2023.

Pronounced
Dated:12/07/2023
Gurpreet Singh, Stenographer-II

(Parminder Singh Rai)
Addl. Sessions Judge,
Gurdaspur.

Present: Sh. G.S. Bhullar, Advocate, counsel for petitioners.
Shri Kiran Kumar, Ld. Additional P. P for State

Police record produced. Sh. Kiran Kumar, Ld. Addl. P.P
put in appearance on behalf of State. Arguments heard. Vide my
separate detailed order of even date, petitioners have been granted
interim bail as per the conditions referred therein. For report and
consideration to come upon 29.07.2023.

Pronounced
Dated:12/07/2023
Gurpreet Singh, Stenographer-II

(Parminder Singh Rai)
Addl. Sessions Judge,
Gurdaspur.