

1..... State Vs. Mukesh Kumar @ Maiki

In the court of Ms. Poonam Bansal, Additional Sessions Judge, Sangrur
(Unique Identification Code PB0190)

CNR No.PBSG01-006624-2020

BA-3030-2020

State	Versus	Mukesh Kumar @ Maiki son of Pala Ram resident of Ward No.8B, House No.501, Lanka Basti, Dhuri, P.S. City Dhuri, District Sangrur (now in Jail).
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F.I.R. No.220 dated 13.06.2020

U/Sections 399, 402 IPC

Police Station Sadar Dhuri

Bail application under Section 439 Cr.P.C.

Present: Sh. Baghel Singh, Adv., counsel for applicant
Sh. Mohd. Hasib Chaudhary, Addl. PP for State

ORDER:

1. This bail application is put up before me being duty officer. Vide this application, the applicant named above has sought regular bail in the above noted FIR on the ground that the above said case was registered by the police of P.S. Sadar Dhuri falsely and he was arrested in this case falsely. He is in custody since 13.06.2020. He is innocent and has not committed any offence. He was not member of any gang who had been allegedly making preparations to commit the offence of dacoity. No plan to commit the offence of dacoity has ever been prepared by the accused. No deadly weapon was recovered from the possession of accused. Nothing is to be recovered from the accused. The challan has already been presented in the court of Ld.JMIC Dhuri but the same has not been committed to the Hon'ble Sessions Court. No useful purpose would be served by keeping him behind the bars. The police of P.S. Sadar Dhuri has also implicated the accused in two other case FIR No.215 of 2020 U/s.457, 380 IPC and 108 of 2020 U/s.380, 457 IPC which have also been falsely registered against him. It is further averred by the

applicant in the application that he will not misuse the concession of bail. He shall abide by all the terms and conditions imposed by the Hon'ble Court. He is no more required for the purpose of investigation or any other purpose. Hence, he be released on regular bail.

2. Notice of the application was issued to the State and record was also requisitioned.

3. Learned counsel for the applicant-accused has argued on the lines of bail application and prayed for releasing the applicant on bail.

4. Per contra, learned Addl. P.P for the State has opposed the bail application with the plea that applicant-accused is involved in serious offence and prayed for dismissal of the application.

5. Rival contentions of both the sides have been heard and case file perused with due care and circumspection.

6. As per allegations of the prosecution, 170 bags of wheat were stolen from the godown of PUNGRAIN, Dhuri on the intervening night of 2/3.06.2020 by some unknown persons. The name of the applicant-accused does not figure in the FIR. Applicant-accused along-with his co-accused Gurmukh Singh and others were arrested in another criminal case under sections 399, 402 IPC for making preparation for committing the offence of dacoity on 13.06.2020 at 7:45PM while sitting in an abandoned place situated on Benra-Saron road near disposal drain. They were implicated in this case on the alleged disclosure statement made by them in the aforesaid case. Applicant-accused is in custody 13.06.2020. The recovery of stolen wheat bags has already been effected and after completion of investigation, challan has also been presented. The disposal of challan will take time. Hence, no

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useful purpose would be served to keep the applicant/accused behind the bars for an indefinite period as rather it amounts to burden on State exchequer. As such, without commenting any thing on the merits of the case, bail application is allowed and the applicant-accused is ordered to be released on bail on his furnishing bail bonds to the satisfaction of learned Illaqa/Duty Magistrate, with the condition that applicant/accused will neither leave the country without prior permission of the Court nor he will tamper with the witnesses of the prosecution and he will appear before the learned trial Court on each and every date of hearing. Police record be returned immediately and copy of this order be sent to the learned Illaqa/Duty Magistrate. File of this bail application be consigned to record room.

Pronounced in open Court

Date:25.09.2020

Parminder Stenographer Gr.-II

(Poonam Bansal)

Additional Sessions Judge, (Duty)

Sangrur UID No.PB-0190