

IN THE COURT OF MS. NISHU,
JUDICIAL MAGISTRATE IST CLASS, BATHINDA
CNR No. PBBT030045212026



Case No. BA/813/2026

Presented on : 27-04-2026

Registered on : 28-04-2026

Decided on : 06-05-2026

State *Versus* Amit Kumar

FIR No.42 dated 13.02.2026
under Section 303(2) and 317(2) of BNS
& **Section 317(2) is deleted in bail
application later on.**
Police Station Civil Lines, Bathinda.

Bail application under Section 303(2) of BNS

Present: Sh. H.S. Kahlon, Ld. APP for the State.
Sh. Vishal Goyal Advocate for applicant-accused

ORDER

Heard on bail application having been filed on behalf of accused/applicant Amit Kumar in a case FIR No.42 dated 13.02.2026 registered against him at Police Station Civil Lines, Bathinda, under Section 303(2) and 317(2) of BNS, 2023.

2. It has been averred that this is the first bail application on behalf of the accused/applicant u/s 303(2) and 317(2) of BNS, 2023. No other or similar application for bail under any of the provisions of BNS, 2023 has been made before any Superior Court. No other petition is pending in the High Court or any other court either under section invoked or any other sections and an affidavit is attached. It is averred that the accused/applicant has been falsely involved in this case on the basis of totally false, wrong, vague, baseless and cooked up allegations, which

bear no truth and the present case has got been foisted upon him and he has nothing to do with the allegations made in the FIR against him and He is totally innocent. It is submitted that the accused/applicant has not committed the alleged crime nor will commit any crime and there is no evidence much less incriminating against him to connect him with the commission of alleged crime. It is further submitted that he is completely and totally innocent and respectable, peace loving and law abiding citizen and does not indulge in any offence or illegal activities. It is further submitted that present case has been registered on the basis of statement made by complainant Jujhar Singh son of Gurcharan Singh and the accused/applicant has nothing to do with the alleged theft and he has not committed the alleged theft. It is further submitted that he has been falsely involved in this case and the stand of the prosecution is totally contradictory. It is further submitted that he has no concern with the alleged offence and he had absolutely no knowledge about the same and the above said case has got been registered by the complainant by concocting a false story. It is further submitted that the prosecution story is unnatural and untrustworthy. He is not named in the FIR. It is further submitted that later on, during investigation, the accused/applicant has been nominated as accused in the above noted case vide DDR no. 37 dated 10.04.2026 and offence u/s 317(2) BNS has been added in the aforesaid FIR. It is further submitted that the accused/applicant is custody since 06/04/2026 and he is no longer required to the police for any

purpose. It is further submitted that nothing is to be recovered from him and no useful purpose will be served to keep him in custody for indefinite period and applicant-accused is not required in this case for any further interrogation or recovery purpose and the investigation has been completed. It is further submitted that it will take long time to conclude the trial of the case. It is further submitted that the PWs are interested, official and inimical towards the accused/applicant. It is further submitted that accused/applicant is a simple person and he is only bread winner of his family. It is further submitted that the accused/applicant undertakes not to abscond rather will face the trial on each and every date of hearing. It is further submitted that there is unexplained and inordinate delay in lodging the FIR and the same has got been lodged after due deliberations and consultations. It is further submitted that the accused/applicant undertakes not to tamper with the prosecution evidence and as such in view of the aforesaid submissions, it will not be in the interest of Court to keep him in custody for indefinite time. It is further submitted that applicant undertakes to appear before the Hon'ble court on each and every date of hearing of the case. It is further submitted that the applicant is ready to furnish bail bonds to the satisfaction of this court. It is prayed that the application may kindly be accepted and the accused/applicant may kindly be granted regular bail till final decision of the aforesaid case. Hence the application.

3. Upon notice, Ld. APP has appeared on behalf of the State,

but he did not intend to file written reply to the present bail application and opposed the same on the grounds of gravity of offences. ASI Karamjit Kaur No.1898/BTI appeared and suffered statement that as per the record, accused was arrested on 07.04.2026 and no other FIR has been registered against the applicant-accused except this case and challan has not been presented in this case till date.

4. Learned counsel for applicant/accused argued that accused has been falsely implicated in the present FIR. He further argued that accused/applicant undertakes to furnish bail bonds and surety bonds as per the directions of this Court.

4. I have heard the learned counsel for the applicant-accused, learned APP for the State and I have gone through the record minutely.

5. In the present case initially FIR was registered against unknown persons on the allegation of complainant Jhujhar Singh that accused persons has done theft. Perusal of the police record reveals that present accused Amit Kumar was nominated vide DDR No.27 dated 07.04.2026. No recovery has been effected in this case. The applicant/accused is in custody since the date of his arrest i.e. 07.04.2026. Keeping in view the cardinal principal of criminal jurisprudence that accused is presumed to be innocent until proved guilty. Thus, no useful purpose will be served by keeping the accused behind bars, rather it will be a burden on State Exchequer. Admittedly, challan has not been presented in the present case and trial will take considerable time. Moreover, bail is a general rule and

incarceration is an exception. Accordingly, on the basis of the findings given above and without expressing any opinion on the merit of the case, accused is ordered to be released on bail subject to furnishing bail/surety bonds in a sum of ₹ 50,000/- with one surety in like amount. The applicant must comply with the conditions of bail as per law until the trial concludes, including:-

- a) that the applicant shall attend in accordance with the condition of the bond,
- b) that the applicant shall not commit an offence similar to the offence of which he is accused,
- c) that the applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer, and,
- d) that the applicant shall not leave India without the previous permission of the Court

6. Bail bonds/surety bonds furnished by accused, which have been accepted and attested. Ahlmad of this Court is directed to send intimation of furnishing bail bonds to concerned Tehsildar for making necessary entry in revenue record. Release warrant be issued accordingly. Bail application stands disposed of. Papers be attached with the main file.

Date of Order: 06.05.2026

Kashish, Stenographer Gr.III

(Nishu), PCS(J)
JMIC/Bathinda
UIDNo.PB0771