

**In the Court of Rajwinder Kaur,
Additional Sessions Judge, Kapurthala
(UID No.PB0121)**

CNR No.

PBKP010046162021



Case No. BA/1879/2021

Presented on : 14-09-2021

Registered on : 15-09-2021

Decided on : 17-09-2021

Bhan Singh @ Bhan @ Bhana, aged 37 years, son of Rajwant Singh,
resident of Sunder Nagar, Kapurthala.

.....Applicant-accused

Versus

State of Punjab.

.....Respondent

FIR No.153 dated 02.08.2021

Under section: 399,402 IPC

Police Station: Sadar, Kapurthala.

District Kapurthala

Application for bail under Section 439 Cr.P.C.

Present: ***Shri Mandeep Sanger, Advocate***, for applicant/
accused

Shri Anil Kumar, Addl. PP for State.

ORDER

1. ***Bhan Singh @ Bhan @ Bhana, (accused-applicant)***
filed instant application for bail under Section 439 Cr.P.C. on the
ground that he belongs to respectable family,has clean antecedents,
has been falsely implication in instant case on extraneous grounds.
He is in judicial custody since 02.08.2021. Present FIR is nothing

Rajwinder Kaur, Additional Sessions Judge, Kapurthala UID No.PB0121

but tool used by Punjab police to misuse the law and State machinery, as it is evident of from contents of FIR No.153 and FIR No.154 registered on same date i.e. 02.08.2021. However, being law abiding citizens he is ready to abide by all terms and conditions, if be released on bail. *(Application is duly supported with affidavit).*

2. Upon notice, learned Additional Public Prosecutor, for the State has appeared, no reply has been filed, but he orally contested the same.

3. Police record produced perused.

4. I have heard learned counsel for the applicants-accused and learned Additional Public Prosecutor for the State, and have perused the record.

5. ***Inspector Gurdial Singh***, In-charge of the police party, alongwith other police officials received secret information that ***Bhan Singh @ Bhana, Jaskaran Singh, Deepak Kumar @ Deepu, Harmanjot Singh, Sukha @ Katta, Satwinder Singh*** and Jarnail Singh armed with deadly weapons, assembled at village Khusropur Drain, are planning to commit dacoity. Hence, instant case under section 399,402 IPC was got registered.

6. Thereafter, raid was conducted at the spot and ***Bhan Singh @ Bhana, Jaskaran Singh, Deepak Kumar @ Deepu, Harmanjot Singh, Sukha @ Katta*** were apprehended at the spot whereas other accused managed to fled away from the spot.

7. ***Shri Mandeep Sanger Advocate***, learned counsel for the applicant/accused vehemently argued that neither there is direct nor indirect evidence to connect accused/applicant for the commission of alleged crime. Version of prosecution is highly doubtful and is not trustworthy. Applicant/accused is in judicial custody. Since completion of investigation and conclusion of trial is likely to take long time. Thus, prayed for bail.

8. On the other hand, ***Mr. Anil Kumar, learned Addl.PP for the State*** refuted such arguments by submitting that during investigation, applicant/accused is specifically named in the FIR and allegations levelled against applicant/accused are serious in nature. Recovery of weapons was also effected in this case. Thus, opposed prayer

9. After having considering submissions put forth by learned counsel for both the parties, keeping in view episode of crime, recovery of weapon has already been effected, applicant/accused is in judicial lock, and since conclusion of investigation and presentation of challan is likely to take long time, so in view of directions issued by Hon'ble High Powered Committee constituted by Hon'ble High Court of Punjab and Hayana to de-congest the jail, bail application in hand, filed on behalf of ***Bhan Singh @ Bhan @ Bhana (applicant-accused)*** stands ***allowed*** and, he is ordered to be released on bail, on furnishing bail bonds to the satisfaction of the learned Illaqa Magistrate/Duty Magistrate subject to the following conditions:

1. That he will not tamper with the prosecution evidence;
2. That he will appear in the court on each and every date of hearing to be fixed in the trial;
3. That he will not leave the territory of India without prior permission of the Court;

10. Nothing stated hereinabove shall have bearing on the merits of case. Record be returned. Copy of order be sent to the court of learned Illaqa Magistrate/Duty Magistrate, for compliance and bail application file be consigned to the record room.

Pronounced in open Court.
Dated:17.09.2021
(Nirlep Kaur)

(Rajwinder Kaur)
Addl.Sessions Judge,
Kapurthala.
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(directly dictated on computer)

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Bhan Singh @ Bhana Versus State

Present: *Shri Mandeep Sanger, Advocate*, for applicant/
accused.

Shri Anil Kumar, Addl. PP for State.

Arguments heard. Vide my separate detailed order of even date, the bail application filed by *Bhan Singh @ Bhana* (accused-applicant) has been **allowed**, as detailed therein. *Record returned*. Copy of order be sent to the court of learned Illaqa Magistrate/Duty Magistrate, for compliance and bail application file be consigned to the record room.

Pronounced in open Court.

Dated: 17.09.2021

(Nirlep Kaur)

(Rajwinder Kaur)

Addl. Sessions Judge,
Kapurthala.

(UID No. PB0121)