

**In the Court of Sh. Lalit Kumar Singla, Additional
Sessions Judge), Jalandhar.**

(UID No. PB0104).

CIS Number	BA/2737/2021
CNR number	PBJL010065352021
Date of Institution	28.06.2021
Date of Order	12.07.2021

Sunil Kumar aged about 38 years son of Rajinder Kumar, resident of B-X
1216, Gali No.2, Ajit Nagar, Kishanpura, P.S. Rama Mandi, Jalandhar.

..Accused/applicant

Versus

State of Punjab

.. Respondent

FIR No.115 dated 27.05.2021
U/s 457, 380, 411/34 IPC
P.S. Rama Mandi, Jalandhar.

[First Application for Bail U/s 439 of Cr.P.C.]

Present: Sh. Raman Kumar Bhardwaj , Advocate for
accused/applicant.
Sh. APS Dhillon, Addl.PP for the State.

ORDER:

1. This order of mine shall dispose of bail application moved on behalf of applicant/accused Sunil Kumar under Section 439 Cr.P.C. in the above noted case.
2. Notice of the bail application was given to State of Punjab, upon which learned Additional Public Prosecutor for State has opposed bail application. Record perused.
3. Concisely stated, as per the story of prosecution, on 03.05.2021 complainant Mandeep Singh, Proprietor of M/s Speedway Rubber Company, had kept 450 bags of raw rubber SVR-

10 on 03.05.2021 under lock. On 26.05.2021, Nand Lal, employee of complainant informed the complainant regarding theft of 370 bags of raw rubber on seeing the broken locks.

4. Learned counsel for applicant/accused has vehemently contended that applicant/accused has been falsely implicated in the alleged crime. He has not been named in the FIR. No recovery of alleged stolen raw rubber has been effected from him. Co-accused have already been granted bail. So, applicant-accused, who is lingering in custody since 12.06.2021, may be released on bail.

5. On the contrary, learned Addl. PP for the State prayed for the dismissal of the bail application, keeping in view the gravity of crime.

6. Having considered the arguments of both the sides, in light of the record available on file, I have found that alleged theft has been attributed to some unknown persons.

7. During the course of interrogation, accused Robin @ Monu suffered a disclosure statement that he and his brother-in-law Sandeep Singh @ Sonu had delivered 200 bags of raw rubber to Sunil Kumar after stealing the same from Speedway Factory, Suchipind, Jalandhar. Sunil Kumar used to approach them along with Balo, Vijay Kumar and Ramesh Kumar in a TATA 407, being driven by Paramjit Bawa and they used to sell the raw rubber to Sunil Kumar at the rate of ₹45/- per kg. Meaning thereby, accused Sunil Kumar has been implicated in alleged crime being purchaser. Now

whether accused had purchased the rubber knowing it to be stolen property, is yet to be determined.

8. Applicant-accused Sunil Kumar has been implicated in the instant case on the basis of disclosure statement of accused Robin @ Monu in police custody, veracity of which is yet to be determined. Implication of applicant-accused in the alleged crime is yet to be ascertained on record during the course of investigation. Co-accused have already been granted bail. Applicant-accused is lingering in custody since 12.06.2021. No useful purpose will be served by detaining the applicant/accused behind the bars indefinitely.

9. So without commenting upon the merits of the case, applicant/ accused is ordered to be released on bail on his furnishing of bail bonds in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of learned Trial Court/Duty Magistrate, subject to the conditions that he shall appear on each and every date of hearing; he shall not leave the country without prior permission of the Court and he shall not induce the prosecution witnesses; he shall surrender his passport in the Court. If he does not possess any passport, then an affidavit in this respect be also furnished by applicant/ accused.

10. The bail application stands, accordingly, allowed.
File be consigned to the Record Room.

Pronounced
Dated: 12.07.2021.
Vivek*

(Lalit Kumar Singla)
Additional Sessions Judge
Jalandhar UID No. PB00104.