

PBGDA10017572022



Presented on : 26-05-2022
Registered on : 26-05-2022
Decided on : 01-06-2022
Duration : 0 years, 0 months, 6 days

**IN THE COURT OF
Judicial Magistrate - Ist Class
AT Batala, Gurdaspur
(Presided Over by Ms. Amandeep Kaur Rathor)**

BA/275/2022

Viswajit Singh Vs. State of Punjab

FIR No. 41, Dated 28.04.2022

U/S:- 323, 324, 452, 354, 506, 148 & 149 of IPC

P.S. Sekhwan.

Present: Sh. Bharat Aggarwal, Advocate counsel for accused/applicant
Viswajit Singh @ Vishvjit Singh
Sh. Aman Mohindru, Ld. APP for the State.

Heard on the bail application moved by Sh. Bharat Aggarwal on behalf of the applicant/accused Vishwajit Singh son of Satnam Singh. It is submitted that application that applicant has been falsely implicated in the present case and no case is made out against him. As per FIR, although name of the accused is present in the FIR but there is no specific allegation against applicant. Applicant had applied for work Visa of Saudi Arab through the complainant company. Complainant and the owner of the company i.e. Nahar Training Centre cheated the applicant and lodged a false FIR against him. One of the co-accused Gursewak Singh S/O has committed suicide because of the present false FIR. It is further submitted that prosecution has failed to comply with all mandatory as well as directory provisions of this Act which falsify the prosecution story. Thus, prayer is made for grant of bail for the applicant/accused.

Notice of the bail application was given to the State through Ld. APP who did not filed any written reply but orally opposed the bail

application.

I have heard the Ld. APP as well as the Ld. Defence counsel and have gone through the record.

Ld. Defence counsel argued as per the version of bail application and submitted that there is no specific allegations against the present applicant. He also argued that the fact of false FIR is corroborated by the fact that one of the co-accused Gursewak Singh has committed suicide after registration of this false FIR against them. He has placed on record copy of the FIR no. 117 dated 16.5.2022 under section 306 IPC PS Civil Lines registered against the complainant Taniya and Wilson Masih (owner of travel agency) on the statement of father of deceased of said co-accused.

As per the police record, accused was arrested on 01.5.2022. and after giving one day of police remand accused was sent to the judicial custody. Since then he is in judicial custody only.

Challan in the present case is yet to be presented in court. Guilt or innocence of the accused is a matter of fact and evidence which can be decided at an appropriate stage of trial. It is settled law that an accused is presumed to be innocent until his guilt is proved beyond the shadow of reasonable doubt. Hence, without commenting upon the merits of the case and keeping in view the above stated discussion this court deem it appropriate to grant the concession of regular bail to applicant/accused. Accordingly the present bail application is allowed. Accused Vishwajit Singh be released on bail in the above stated FIR under Sections 323, 324, 452, 354, 506, 148 & 149 of IPC, subject to furnishing of bail bonds in sum of Rs. 50,000/- with one surety in like amount, subject to following conditions:-

1. He will not leave the country without prior permission of the Court.
2. He will not tamper with the evidence.
3. He will not threat or induce the witnesses of this case.

4. He will attend the Court on each and every hearing except when his attendance or personal appearance is exempted by the Court.

Bail bonds and surety bonds not furnished. Papers be attached with the remand papers.

Date of order 01.06.2022
Kanchan, Stenographer-III

(Amandeep Kaur Rathor)
Judicial Magistrate Ist Class.
Batala/U.I.D No. PB0663