

**In the Court of Mr. Bishan Saroop,PB0449
Addl. Sessions Judge, Tarn Taran**

BA No.443 dated 13.12.2017

Case Regd. No. BA/2976/2017

Date of Decision : 09.02.2018

Amanpreet Singh son of Harjinder Singh resident of village Manakpur
Tehsil Patti District Tarn Taran.

-----Applicant-Accused.

Versus

State of Punjab.

-----Respondent.

FIR No. 29 dated 12.02.2017

U/s 419, 420, 467, 468, 471, 188

IPC P.S. City, Tarn Taran

Application for bail under Section 438 Cr.P.C.

* * * * *

Present - Mr. Harsanjeet Singh, Adv. counsel for applicant-accused.
Mr. Ashok Kumar, Addl. Public Prosecutor for the State.

BAIL ORDER

This order of mine shall dispose of the above mentioned application for anticipatory bail filed by the above referred applicant U/s 438 of Cr.P.C in a case bearing FIR No. 29 dated 12.02.2017, U/s 419, 420, 467, 468, 471, 188 IPC, registered at P.S. City, Tarn Taran.

2) In pursuance of notice of the application having been issued, the learned Addl. P.P. Mr. Ashok Kumar, for the State has put in appearance and Record has also been produced.

3) The crux of the allegations is that the present FIR was lodged at the instance of complainant Gurpreet Singh son of Harjinder Pal Singh resident of Deep Avenue, Tarn Taran that he is resident of above said address and running a gun house namely Khherra Gun house at DC office Chowk, Tarn Taran. Where he selling the new weapons and other gun bullets and at the time of election he submitted the all types of Gun in his Gun house. He has got a caretaker namely Nimal Singh son of Hira Singh in his Gun house and after him Nirmal Singh responsible for his Gun House. That on 11.02.2017 he give receipt book of his gun house to Nirmal Singh and go to Amritsar for some personal work regarding Admission of his children in DPS School Tarn Taran. On the next morning he came at his Gun house and after perusing his receipt book he shows that in which receipt no.674 dated 01.02.2017, licensed weapon=====

4) The learned Counsel Mr. Satnam Singh, Adv. appearing for the applicant-accused has submitted that the applicant has not committed any offence and has been falsely implicated in the above noted case by the complainant. The accused-applicant bears good moral character. The applicant is ready to abide by the directions, if any, imposed by the Court. The application for anticipatory bail be allowed.

5) On the other hand, the learned Addl. P.P. Mr. Ashok Kumar for the State assisted by Sh Jaideep Ratti, Adv counsel for the complainant has hotly opposed the contentions and has argued that in light of the grave and serious allegations levelled against the applicant, as during the investigation, it has come as to her having been involved, thus, for facilitating thorough and fair investigation, the custodial interrogation of the applicant is required. He further submitted that this court has already

dismissed the bail application of co-accused Paramjit Kaur. So, application for anticipatory bail may kindly be dismissed.

6) After giving my thoughtful consideration to the rival submissions, and on careful perusal of the averments of the application, contents of the FIR, record so produced, coupled with due assistance rendered and keeping in view the nature of offence, the court does not find any merit in the submissions put forth by the learned counsel Mr. Satnam Singh, Advocate, for the applicant. Even in the FIR, specific allegations have been levelled as to the applicant Malkit Singh and non-applicants in connivance with each other having allegedly committed the fraud with the complainant. Totality of the facts of the present case when taken into consideration coupled with the ratio-decidenti laid down by the constitutional bench of the Hon'ble Apex Court in **"Gurbax Singh Sibbia Versus State of Punjab, 1980(2) Supreme Court cases 565"** wherein it has been made abundantly clear that while deciding the application U/s 438 of Cr.P.C. that the court has to strike the balance between the liberty of the citizens and interest of general public at large. The provisions of Section 438 of Cr.P.C are intended to protect the people from a process which may suggest abuse of law but certainly not intended to benefit people who have much to explain for their conduct which prima facie is in conflict with law. The court is of the considered opinion that in order to facilitate a thorough and fair investigation, the custodial interrogation of the applicant is rather inevitable. Release of such like accused on bail would only encourage white collar crimes and fraudulent transactions, which have to be nipped in the bud. Moreover, this court has already dismissed the bail application of the co-accused Paramjit Kaur. Hence, the present bail application, being bereft of any substance, is hereby

dismissed. Police record be returned. Bail application papers be
consigned.

Pronounced in the open Court:

07.02.2018

A.D Stenographer Gr.III

(Bishan Saroop)

(UID No. PB-0449)

Addl. Sessions Judge,

Tarn Taran.

BA/328/2018

State of Punjab Vs Malkit Singh

Present - Mr. Satnam Singh, Adv. counsel for the applicants-accused.
Mr. Ashok Kumar, Addl. Public Prosecutor for the State
assisted by Sh Jaideep Ratti, Adv counsel for the
complainant.

Arguments heard and vide my separate detailed order even
date, the instant bail application is disposed off, as detailed therein. Police
record be returned and papers be consigned.

Pronounced in the open Court:

07.02.2018

A.D Stenographer Gr.III

(Bishan Saroop)

(UID No. PB-0449)

**Addl. Sessions Judge,
Tarn Taran.**