

FIR No.17 dated 09.04.2022
Under Sections 380 IPC.
P.S. Hajipur.

Present: Sh. Pankaj Choudhary, Adv. counsel for accused/applicant Saroop Singh
Sh. Moninder Singh, Ld. APP for the State

1. This order of mine shall dispose of the first regular bail application filed by applicant/accused Saroop Singh through his counsel Sh. Pankaj Chaudhari, Advocate.

2. In brief, the facts of the FIR registered against the accused persons are that the present FIR was registered on the statement of Surinder Singh, J.E., PSPCL, Sub-Division, Hajipur who stated that in the intervening night of 14.03.2022, the oil and coil of single face connection 10 KBA Transformer was stolen and the total amount of the theft committed amounts to Rs. 34723/-. It is further stated that some unknown persons have committed the theft of the oil and coil. On the statement of complainant, the present FIR was registered. On 07.08.2022 the accused person was apprehended in FIR No. 89 dated 04.08.2022 registered under Sections 379, 411 of IPC in P.S. Chabbewal, Distt. Hoshiarpur in which the accused persons Sarup Singh and Gurwinder Singh were arrested and they have confessed that on 14.03.2022 they have committed the theft of oil from the transformer near village Bariuwal.

3. In this application, the applicant-accused has submitted that the applicant/accused is an innocent person and is falsely implicated in the present

FIR. It is further averred that the police obtained signature of accused on blank papers by putting accused under threat and by using coercive method. The accused has been remanded to judicial custody and is no more required for custodial interrogation and completion of trial will take long time. It is further averred that the applicant/accused undertakes to abide by all the terms and conditions so imposed by the Court.

4. Investigating Officer ASI Sulinder Singh appeared with police record and suffered a separate statement to the effect that after the registration of FIR no addition or deletion of offence has been made in the present case. It is further submitted that no other case is pending against the accused person except the present case. He further stated that as per his record, he has not issued notice by any other court of law in relation to bail application, if any preferred by accused. Learned APP for the State has also confirmed this fact vide separate statement. Further Ahlmad of this Court has also ascertained this fact by way of separate report.

5. Learned APP for the State vehemently argued that the accused is involved in a serious offence and the accused persons should not granted any liberty of bail at this stage.

6. Arguments of learned counsel for the accused-applicant as well as learned APP for the State have been heard.

7. Perusal of the record reveals that the present FIR was registered against the accused persons on the basis of confessional statement. The FIR in

question was registered against some unknown persons and the accused/applicant was not named as the accused in the said FIR. It is further important to note here that the accused/applicant was arrested in the present case on 21.09.2022 and since then he is in judicial custody. No recovery is to be effected from the accused/applicant. The Challan of the present FIR has been filed and the completion of trial will take its own time. No purpose would be served by keeping the accused/applicant in the judicial custody. Furthermore, it will be burden on the State exchequer. Therefore, this Court is of the view that the accused/applicant deserves to be released on bail. Therefore, the present bail application is hereby allowed and the accused Saroop Singh is ordered to be released on bail on furnishing bail bonds in the sum of Rs.50,000/- with one surety in the like amount. Bail bonds and surety bonds furnished, which is accepted and attested. Release warrant be issued immediately. Papers be attached with the main file.

Dated:12.01.2023

Upendra-Steno Gr.II

Manik Kaura, PCS
Judicial Magistrate Ist Class-Mukerian
(UID No. PB0579)