

In the Court of Jatinder Pal Singh Khurmi, Additional Sessions
Judge, Hoshiarpur. (UID No.PB-0057).

CNR No.PBHO01-008554-2022

CIS Number: 2977 of 2022

Date of Order: 24.11.2022.

Pawan Kumar, aged 34 years son of Lajir Chand, resident of Mohalla Raipur
Rasulpur, District Jalandhar.

.....Applicant-accused.

Versus

State of Punjab.

.....Respondent.

FIR No.161 dated 21.9.2022.

Under Sections 379-B, 120-B & 411 of IPC.

Police Station Dasuya, Hoshiarpur.

(Application for regular bail U/s 439 Cr.P.C).

Present: Shri Sandeep Kumar, Counsel for the applicant-accused.
Shri Nitin Berry, Addl. Public Prosecutor for the State.

ORDER:

Applicant-accused Pawan Kumar, is seeking regular bail in above mentioned FIR. It is pleaded that a case titled as “*State Versus Kallu and others*” is pending in the Court of Mrs. Parminder Kaur Bains, Learned SDJM, Dasuya and challan has been forwarded to the Sessions Court, Hoshiarpur. The applicant-accused has been falsely implicated by the police in the present case. The FIR was registered on the statement of Amolak Singh son of Mahinder Singh. The applicant-accused is a Tempo driver and has no concern with the alleged occurrence. The applicant is in custody from the date of his arrest i.e. 21.9.2022. The applicant-accused undertook to abide by terms of bail and prayed for releasing him on regular bail.

2. Upon notice Learned Public Prosecutor for the State has orally opposed the bail applications. Even, ASI Rajinder Singh No.702/HPR, from Police Station Dasuya, District Hoshiarpur, has suffered statement in that he has verified that this is the first bail application of applicant Pawan Kumar and

no such bail application is either filed or pending in court of parallel jurisdiction or any other court or Hon'ble High Court. No other case is pending against the accused. However, there are other cases against the co-accused Kalo, Jyoti, Archana, Sonam, Bharti and Sarita, registered at Jalandhar. The applicant-accused Pawan Kumar also belongs to Jalandhar and he is charged under Section 120-B of IPC, with other co-accused. The date of arrest of accused is 21.9.2022. Challan has been presented in the Court. Recovery of Rs.15,000/- was effected from the spot.

3. I have heard the arguments advanced by Learned Counsel for the applicant-accused and Learned Public Prosecutor for State and also have gone through the record carefully and minutely, with their kind assistance.

4. As per prosecution case, FIR in this case was registered on the statement of complainant Amolak Singh son of Mahinder Singh, who has stated that on 20.9.2022, he came on his motorcycle to Punjab National Bank for withdrawal of money. He withdrew Rs.60,000/- from his account out of which he kept Rs.10,000/- in the left pocket of his trouser, whereas Rs.50,000/- were kept by him in the right pocket of his shirt. At about 11:15 AM, when he came out of the bank near his motorcycle, he found four ladies and one man were standing there. They grappled with him and started fist blowing him and a clean-shaven person had torn his shirt and took out Rs.50,000/- from the pocket of his shirt and threw him on the ground after giving push to him. Then, that clean-shaven person and four ladies ran away on three wheeler of yellow green colour towards Jalandhar side and he noted down its registration number as PB-08EP-8357. Accordingly, case was registered, against the accused.

5. Learned Counsel for the applicant-accused has argued that the

applicant-accused is innocent and has been falsely implicated in this case. He has no concern with the alleged offence. Nothing is to be recovered from the applicant-accused. The applicant-accused is in custody, as such he should be released on bail.

6. On the other hand, Learned Additional Public Prosecutor for the State has argued that there are serious allegations against the applicant-accused as he alongwith his companions had snatched Rs.50,000/- from the complainant, as such the applicant-accused should not be released on bail.

7. Now, from these facts, it comes out that though there are allegations against the applicant-accused that he alongwith his co-accused had snatched cash amount of Rs.50,000/- from the complainant. As per statement of ASI Rajinder Singh No.702/HPR, recovery of money has been effected. Earlier, co-accused Bharti, Sarita Sisodiya and others were granted regular bail by this Court. The facts are similar. Looking into the parity, this Court finds that it is a fit case for grant of regular bail. Even otherwise, no useful purpose will be served by keeping the applicants-accused in custody, rather it will be burden on the State Exchequer. Accordingly, this application filed by applicant-accused, Pawan Kumar, under Section 439 Cr.P.C, for grant of regular bail is hereby allowed and he is directed to be released on bail subject to his furnishing surety bonds in the sum of Rs.50,000/- with one surety in the like amount, to the satisfaction of Trial/Duty Magistrate, subject to the conditions that he will appear in the court on each and every date of hearing, will not tamper with the prosecution evidence and will not leave India without prior permission of this court. Police record returned. Bail application file be consigned to the Judicial Record Room, Hoshiarpur, after its completion.

Announced in open Court:
Dated: 24th November, 2022.
'Gautam Manocha, JW (SG)'

(Jatinder Pal Singh Khurmi),
Addl. Sessions Judge, Hoshiarpur.
(UID No.PB-0057).

Pawan Kumar Versus State. BA No.2977-2022.
(CNR No.PBHO01-008554-2022).

Present: Shri Sandeep Kumar, Counsel for the applicant-accused.
Shri Nitin Berry, Addl. Public Prosecutor for the State.

Statement of ASI Rajinder Singh No.702/HPR, from Police Station Dasuya, District Hoshiarpur, has been recorded. Arguments heard. Vide my separate detailed order of even date, this application filed by applicant-accused Pawan Kumar, under Section 439 Cr.P.C, for grant of regular bail, has been allowed, as detailed therein. Police record returned. Bail application file be consigned to the Judicial Record Room, Hoshiarpur, after its completion.

Announced in open Court:
Dated: 24th November, 2022.
'Gautam Manocha, JW (SG)'

(Jatinder Pal Singh Khurmi),
Addl. Sessions Judge, Hoshiarpur.
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