

**IN THE COURT OF SHRI K. K.JAIN, ADDITIONAL
SESSIONS JUDGE, LUDHIANA.**

CNR PBLD010164402019

CIS No.BA/ 2953/2019

Decided on : 03.05.2019

State Versus

1.Gobind Ram aged about 19
years son of Sh.Rajinder Kumar,

2.Gurpreet Singh aged about 19
years son of Sh.Darshan Singh,

Both residents of H.No.158-BC,
Adarsh Colony, Ludhiana.

.... ...(Accused/Applicants).

FIR No.47 dated 05.04.2019

U/s : 379-B IPC

PS : Sarabha Nagar, Ludhiana.

Bail Application Under Section 439 Cr.P.C.

Present : Ms. Pooja Singal, Ld. Addl. PP for the State.
 Sh. B.S.Sidhu, Adv, Counsel for
 applicants/accused.

ORDER

Heard on the bail application filed on behalf of applicants/accused under section 439 Cr.P.C for bail, whereby it is submitted by the Ld.Counsel for the applicants that the accused/applicants are law abiding and loving citizens of India and have never indulged in any nefarious activities. It is further submitted that the applicants/accused are quite innocent and have been falsely involved in the above mentioned case by leveling false and frivolous allegations against them. The applicants have not committed any offence as alleged in the FIR. Nothing is to be recovered from them. The applicants/accused were arrested on 05.04.2019 and since then they are in judicial custody. Presentation of challan and conclusion of trial will take long time and no useful purpose will be served by

keeping the accused behind the bars. That the applicants/accused shall not abscond or flee from justice. Accordingly, prayer is made for allowing the present bail application and releasing the accused on bail.

2. Upon notice Ld. Addl. PP for the State put in appearance on behalf of State and although reply to the application is not intended to be filed by the State, however the bail application is contested by the Ld. APP for the State and the contention of Ld. Addl. PP for the State is that the present accused deserves no concession of bail as serious allegations are there against him/them. Accordingly, request is made for dismissal of the present bail application.

3. On 03.05.2019 ASI Avtar Singh, No.1430,LDH, PS Sarabha Nagar, Ludhiana has appeared in the court and has got recorded his statement as under:

“Stated that the present applicants/accused were apprehended on 05.04.2019 as they had snatched mobile phone make OPPO from complainant Kamalpreet Kaur after having made preparation of causing hurt to her.”

4. After considering the rival contentions of the parties and going through the file carefully, this court is convinced with the submission of Ld. Counsel for the accused/applicant. From the perusal of the record and keeping in view all facts of the case as well as keeping in view the nature of allegations levelled by the complainant/prosecution against the applicant(s)/accused, this court is of the opinion that the applicant(s)/accused is in custody since 05.04.2019 and they are no more required by the police for further investigation. The trial of the case will take its own time. Criminality of the accused if any shall be determined after appreciating the evidence in the trial. No useful purpose will be served by detaining the accused in judicial custody for an indefinite period. In these circumstances, it would be appropriate if concession of

regular bail be granted to the applicant/accused. Hence keeping in view all facts of the case and the aforesaid detailed discussion, the application filed by the applicant(s)/accused is hereby allowed. The applicant(s)/accused is/are ordered to be released on bail on his/their furnishing bail bonds to the satisfaction Ld. Illaqa/duty Magistrate, subject to the following conditions:

- (i) S/He/they shall not, directly or indirectly, make any inducement, threat or promise to any person(s) acquainted with the facts of the case, so as to dissuade him/them from disclosing the true facts to the court ;
- (ii) S/He/they shall not leave the country without prior permission of the Court; and
- (iii) S/He/they shall not commit any offence similar in nature of which they are accused, or suspected, of the commission of the same.

The applicants/accused shall also surrender their passport in the trial court and if they does not holds any passport then an affidavit to the said effect be submitted in the court of Ld. Illaqa/duty Magistrate. File be consigned to the record room.

**Pronounced in the open court:
Dt.03.05.2019**

Geeta Stenographer

**(K.K.Jain)(UIDPB0163)
Addl. Sessions Judge,
Ludhiana.**