

PBGD010095612019



Presented on : 19-09-2019
Registered on : 19-09-2019
Decided on : 24-09-2019
Duration : 0 years, 0 months, 5 days

**IN THE COURT OF
Additional Sessions Judge at, Gurdaspur
Presided Over by Sh. Jatinder Pal Singh Khurmi,**

CNR No.PBGD01-009561-2019

CIS No. BA-2955-2019.

Bail Application No. 656 of 19.09.2019.
Date of Decision: 24.09.2019.

1. Mintu @ Akash aged about 36 years son of Sh. Gulzar Chand, resident of Prem Nagar Bohranwala, Tehsil Batala, District Gurdaspur.
2. Bunty @ Ajay aged about 18 years son of Madan Lal, resident of Bhagtanwala, Amritsar, at present residing at Prem Nagar Bohranwala, Tehsil Batala, District Gurdaspur.

Versus

...Applicants/Accused.

State of Punjab.

...Respondent.

FIR No. 0094, Dated 25.08.2019.
Under Section: 454, 380 IPC.
Police Station: Dhariwal.

First bail application U/S 438 Cr.P.C

Present: Shri Pankaj Kumar, Advocate, for applicants/accused.
Shri J.P. Bains, Additional Public Prosecutor for the State.

ORDER:

By filing the present bail application, under Section 438 of the Code of Criminal Procedure, the applicants have sought pre-arrest bail

in FIR No. 0094, Dated 25.08.2019, under Section 454, 380 IPC, registered at Police Station, Dhariwal, District Gurdaspur.

2. Notice of bail application was issued and the police record perused.

3. The facts, in brief, necessary for disposal of the instant bail application are that the afore-said FIR has been registered at the instance of complainant Vishal Sharma son of Subash Chander resident of Back side Radha Soami Block G.T. Road Dhariwal. He stated to the police that he is resident of above mentioned address and is a government employee in Public Health Department. Today, i.e. on 25.08.2019 at about 10.00 A.M., he and his wife alongwith entire family went to village Kahna (Gahlari) to see the fair of ancestors after locking the house. When they returned and found that outer gate was locked. They open the lock and went inside the house, where the main door of the house was open and house hold articles were scattered there. After checking the articles it was also found that Rs. 5000/- were missing from the lady purse which was lying in the house, which were stolen by some unknown person. With these allegations the present case was registered by the police of P.S. Dhariwal. During investigation the accused/applicants were nominated in the present case. Being apprehension from that, the accused/applicants have preferred the present anticipatory bail application.

4. Learned counsel appearing on behalf of the accused-applicant has submitted that the accused/applicants apprehends their arrest by the police of P.S. Dhariwal in the aforesaid case which has been falsely registered against them. Earlier the FIR was registered against unknown

person and later on the basis of suspicion the names of accused/applicants were implicated in the present case falsely and there is no direct evidence against the accused persons to connect them in the present case. He further submitted that there is no evidence with the prosecution to connect the applicants/ accused with the alleged offence and the whole prosecution story is concocted by the complainant with an ulterior motive to harass and humiliate the applicants/ accused and no such occurrence took place by the accused/applicants as alleged. He further submitted that the applicants are ready to join the investigation and to surrender before the investigating agency as and when directed by this court.

5. On the other hand, learned Additional Public Prosecutor vehemently opposes to grant anticipatory bail to the applicant on the facts and in the circumstances of the case. He submitted that in view of the gravity and seriousness of the allegations, no case is made out for the grant of anticipatory bail. Prayer has been made for dismissal of the bail application.

6. This Court has considered the rival submissions of the learned counsel appearing on behalf of the respective parties and also pursued the material available on record. Paramjit Singh @ Pamma son of Manna Singh has confessed that he alongwith the applicants had broken the locks and took out Rs. 5000/-.

7. The arguments that the confession of Paramjit Singh @ Pamma cannot be read against the present accused as the FIR was registered against the unknown persons. There is CD and photographs of accused persons. It is to be ascertained in investigation as to whether they

had committed the crime or not. Material is there on record from where they have been connected in the alleged crime.

8. The allegations against the accused-applicants are serious in nature as they have committed theft in the house of the complainant. Therefore, they are not deserving the concession of anticipatory bail. Their custodial interrogation is necessary to bring the truth on surface. Therefore, without commenting on the merits of the case the present anticipatory bail application of the accused/ applicants is hereby declined. Police record be returned. Bail file be consigned to the record room.

Pronounced :
24.09-2019.

Jatinder Pal Singh Khurmi,
Additional Sessions Judge,
Gurdaspur. UID No.PB0057.

Dictated on :24.09.2019.
Transcribed on :24.09.2019.
checked on : 24.09.2019.
Signed on : 24.09.2019.

Jatinder Pal Singh Khurmi,
Additional Sessions Judge,
Gurdaspur.
(UID No.PB0057)

Shiv Kumar, Stenographer-I