

CIS No.BA/298/2019

Ram Parkash Tiwari vs. State of Punjab

1.4.2019

Present: Sh.Mukesh Sayal Adv for the applicant/accused
Ram Parkash Tiwari.
Sh. D.K.Jain Public Prosecutor for the State assisted by
Sh.R.G.Sharda Adv for the complainant Nipun Gupta.

A criminal case vide FIR No.15 dated 17.1.2019, under Sections 406/420 of IPC was registered at Police Station Gobindgarh Mandi against applicant/accused Ram Parkash Tiwari. Ram Parkash Tiwari was arrested in this case on 22.3.2019 and since then, he is in custody. His bail application under Section 437 of Cr.P.C was dismissed by the court of SDJM Amloh vide order dated 27.3.2019. Hence, he has moved this bail application, under Section 439 of Cr.P.C.

2. Upon notice, Ld. Public Prosecutor for the State appeared and Sh.R.G.Sharda Advocate has appeared on behalf of complainant Nipun Gupta. They opposed this bail application. Police record pertaining to this case was also produced.

3. I have heard Ld. Counsel for the applicant/accused Sh.Mukesh Sayal, Ld. PP for the State Sh.D.K.Jain assisted by Shri

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R.G.Sharda Advocate for complainant Nipun Gupta and have gone through the record pertaining to this case very carefully, with their able assistance.

Case in hand has been registered against applicant/accused Ram Parkash Tiwari under Sections 406/420 of IPC at the instance of complainant Nipun Gupta son of Vinod Kumar Gupta resident of Mandi Gobindgarh. Applicant/accused was arrested in this case on 22.3.2019 and since then he is in custody. It is in the argument of Ld.counsel for applicant/accused that qua similar allegations, a criminal complaint under Section 138 of Negotiable Instruments Act has also been filed by the complainant party against applicant/accused, which is pending in the court of Judicial Magistrate at Amloh. This case is triable by the court of Judicial Magistrate Ist Class. All the allegations of complainant are yet to be proved against this accused. Completion of investigation and final disposal of trial would take a considerable time and no useful purpose is going to be served by keeping this accused behind the bars for an indefinite period. Keeping in view all these facts and circumstances, it is a fit case, in which, this accused deserves concession of regular bail. Accordingly, this bail application stands allowed and disposed off. Applicant/accused Ram Parkash Tiwari is ordered to be released on bail, on his furnishing personal bonds in the sum of Rs.1,00,000/- with one

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surety of the same amount to the satisfaction of Area/Duty Magistrate. Anything said in this order shall not affect the merits of the main trial in any manner. Police record be returned. Record of this bail application be consigned.

Pronounced/1.4.2019.

(R.S. Rai)
Sessions Judge/Fatehgarh Sahib.
(UID No. PB0031)

**"I attested to the accuracy and
and authenticity of this document"**