

**IN THE COURT OF SUMIT GHAI,
ADDITIONAL SESSIONS JUDGE, AMRITSAR,
UID No.PB0173**

CNR No.

PBAS010090192023



Case No. BA/2979/2023

Presented on : 24-05-2023

Registered on : 25-05-2023

Date of order : 22-06-2023

Joga Singh s/o Gurdeep Singh, r/o 264, Gali No.35, Sahibzada Fateh
Singh Nagar, Outside Gate Hakima, Amritsar.

...Applicant/accused

Versus

State of Punjab

...Respondent

First Information Report No. : 78/24.04.2023

Under Section(s) : 379-B(2),506,34 IPC
and Section 25,27,
54,59 of Arms Act

Police Station : A Division, Amritsar

First Bail application under section 438 of the Code of
Criminal Procedure, 1973, for the grant of anticipatory bail.

Present: Sh. Amarbir Singh, Advocate for the applicant.

Sh. N.K.Gupta, Additional P.P. for the State.

ORDER

1. Present first anticipatory bail application under Section 438 of the Code of Criminal Procedure, 1973 has been filed by above named applicant Joga Singh, through, his counsel.

2. Notice of the application was given to the State and learned Additional P.P. appeared for the State and contested the bail application, record has been produced by ASI Sham Singh. His separate statement has also been recorded.

3. The learned counsel for the applicant has submitted that the applicant is innocent and has been falsely implicated in the present case. That the applicant is not named in the FIR. The co-accused, who was arrested in this case is in custody since 18.05.2023. That no offence is made out against the applicant. That nothing is to be recovered from the possession of the applicant. It is further submitted that the applicant is ready to join the investigation and shall abide by all the terms and conditions as imposed by this court. Lastly, he has prayed for granting anticipatory bail to the applicant/accused.

4. I have heard the rival contentions and have also gone through the relevant record with the able assistance of the learned counsel for the applicant and learned Additional P.P. for the State.

5. Briefly, as per the allegations of complainant Manav Kapoor, who runs ready-made garments shop in the City Center, Amritsar, while he was standing outside his shop, in the meanwhile three persons came

there on one Aactiva scooter. That one of the said persons went inside the street nearby, while the second person stood behind the complainant at a distance and the third person came to him and threatened to hand over all the valuable with him otherwise he would be harmed. So the frightened complainant took out Rs.11,000/- from his pocket and gave to him. In the meanwhile the other person who was standing nearby also stashed his mobile phone. Thereafter, the said person started personal search of the employees of the complainant who were also present outside the shop and to square them, the said person fired a shot from his pistol on the ground, as a result of which one splinter of stone ricocheted and hit one of the employee namely Navleen on his right ankle, after which all the said culprits fled away from the spot.

During the investigation one of the culprits namely Yakoop was arrested and he confessed about his involvement in the crime and also disclosed that applicant/accused Joga Singh was also involved in the occurrence. Recovery of the money as well as mobile and fire arm weapons are yet to be effected for which custodial interrogation of the applicant is very much required. Since the investigation is still pending and the money as well as mobile and fire arm weapons are yet to be recovered from the applicant/accused, therefore, the custodial interrogation of the applicant/accused is very much required in this case. Moreover, the prosecution has expressed apprehension that the applicant might influence the prosecution witnesses by using clout.

6. Hence, keeping in view the nature and gravity of the offences alleged to have been committed by the applicant, he is not entitled for any concession of anticipatory bail. Therefore, the anticipatory bail application filed by the applicant is hereby dismissed without any comments on the merits of the main case. Police record be returned and the bail papers be consigned to the Record Room.

Pronounced in the open Court.
Dated : 22.06.2023

Naresh Kumar, Stenographer Gr-I.

(Sumit Ghai)
Additional Sessions Judge,
Amritsar.
UID NO . PB0173