

**IN THE COURT OF BISHAN SAROOP,
ADDITIONAL SESSIONS JUDGE,
MOGA (UID No.PB00449).**

CNR No.PBMO010073572024
CIS Filing No.BA/2958/2024
Date of order : 23.12.2024

State

Versus

Gagandeep Singh son of Karaj Singh resident of Ward No.32, Gurusar Basti, Bukkanwala Road, Moga, District Moga.

---Accused-applicant

FIR No.157 dated 13.11.2024,
Under Section :- 304, 317 (2) of B.N.S. Act,
Police Station :- Kot Ise Khan.

2nd Bail Application under Section 483 of B.N.S.S.

Present :- Shri J.S.Chadha, Advocate for accused-applicant.
Mrs. Gunwantjit Manesh, Addl. Public Prosecutor for State

ORDER

1. Vide this order, I shall dispose of application for bail, particulars of which are giving herein above, preferred under Section 483 of the B.N.S.S. Act, by aforesaid applicant.

2. The brief facts of the case are that present FIR has been lodged on the basis of statement of complainant Gurmeet Singh, wherein he has stated that he is working as Chaudhary in grain market, Lohara. During the night of 02.11.2024, after finishing his work, he was watching videos on his mobile phone and in the meanwhile, Gagandeep Singh son of Karaj Singh resident of Bukanwala Road, Ward No.32, Gurusar Basti, Moga who is also working the grain market, came there and snatched his mobile phone make Samsung and fled away from the spot. He tried to follow him but due to dark, Gagandeep Singh managed to escape from the spot. He knows Gagandeep Singh very well. On the basis of aforesaid statement, FIR was registered against accused. Accused-applicant was arrested on 13.11.2024. Thus, accused-applicant has filed the present bail application.

3. I have heard learned counsel for applicant-accused as well as learned Additional Public Prosecutor for the State and have gone through the record.

4. Perusal of record goes to show that first bail application of the accused/applicant was dismissed as withdrawn and not decided on merits. From perusal of FIR, it reveals that allegations against accused-applicant are that he had snatched the mobile phone make Samsung belonging to the complainant. Perusal of record also shows that mobile phone of the complainant has already been recovered from the accused/ applicant. Now, nothing is to be recovered from the accused/applicant. Accused/Applicant is in custody since 13.11.2024. As such, keeping in view of the facts and circumstances of the present case and the fact that accused is in custody since the date of arrest and it will take considerable time for conclusion of trial. I am of the view that in given circumstances, no useful purpose is going to be served by keeping the accused/applicant in custody for longer period. As such, the accused/applicant is ordered to be released on bail on furnishing his bail bonds and surety bonds to the tune of Rs.50,000/- with one surety in the like amount to the satisfaction of Ld. Illaqa/Duty Magistrate with the following conditions:

1. That the applicant will not tamper with the prosecution evidence.
2. That the applicant will appear before the Court on each and every date of hearing.
3. That the applicant will not leave country without prior permission of court.

5. It is further made clear that in case of any violation thereof, this order shall cease to have effect qua the same. Copy of this order alongwith trial court record be returned and bail application file be consigned to the record room.

Pronounced.
Dated :- 23.12.2024
Sunny Stenographer-II

(Bishan Saroop)
Additional Sessions Judge,
Moga (UID No.PB00449).

Present :- Shri J.S.Chadha, Advocate for accused-applicant.
Mrs. Gunwantjit Manesh, Addl. Public Prosecutor for State

Today ASI Davinderjit Singh has come present and suffered his separate statement that he has brought the record of present bail application. As per record, this is second bail application of the accused/applicant and first bail application of the accused/applicant was dismissed as withdrawn. The accused/applicant is in custody in this case since 13.11.2024. In the case in hand, recovery of stolen mobile has already been effected. Now, nothing is to be recovered from the accused/applicant. No other criminal case is pending against the accused/applicant.

Record received. Arguments heard. Vide my separate order of even date, the present bail application stands allowed for the reasons stated therein. File be consigned to record room.

Pronounced.
Dated :- 23.12.2024

Sunny Stenographer-II

(Bishan Saroop)
Additional Sessions Judge,
Moga (UID No.PB00449).