

PBGD010073872018



Presented on : 01-11-2018
Registered on : 01-11-2018
Decided on : 13-11-2018
Duration : 0 years, 0 months, 12 days

**IN THE COURT OF
Additional Sessions Judge, Gurdaspur
(Presided Over by Sh Gurjant Singh)**

BA/2958/2018

**Bail application No. 577 of 01.11.2018
CIS No. BA-2958-2018
Date of decision : 13.11.2018**

Lal Singh son of Parkash Singh resident of Rangar Nangal Tehsil batala
District Gurdaspur.

....Accused/applicant

versus

State of Punjab

....Respondent

First application for bail under section 439 of Cr.P.C.

Present: Sh. Rachhpal Singh Boparai, Advocate, for accused/applicant
Sh. H. S. Bajwa, Additional Public Prosecutor for State

**FIR No. 98 dated 24.10.2018,
Under Section 379-B Indian Penal Code,
Police Station: Rangar Nangal**

**ORDER
(Delivered on 13-11-2018)**

This order of mine will dispose of bail application filed by
above named accused/applicant under section 439 of Criminal Procedure
Code pleading his innocence and false implication.

2. Record has been received. Arguments have been heard.

3. Sh. Rachhpal Singh Boparai, Advocate, learned counsel for accused/applicant has argued that there is no direct or indirect evidence to connect accused/applicant with commission of above said offence. There is delay of 4 days for lodging FIR, which is unexplained, as there is distance of 6 km between police station and place of occurrence. There is no ingredient regarding Sec. 379-B of Indian Penal Code in the above said FIR. Infact, accused and complainant are residing in same village and complainant has received Rs. 10,000/- for manufacturing the doors, iron gate and grills, which are used for newly constructed building and complainant did not prepare above said articles nor he had returned amount of accused, as complainant under political approach has got lodged this false FIR to save his skin and accused also filed a complaint to SSP, Batala on 20.10.2018. Accused/applicant is in judicial lock up and further no more required for purpose of recovery and investigation. Trial will take long time and no useful purpose shall be served by detaining accused/applicant behind bars. It is prayed that bail application of accused/applicant may be allowed till decision of case in interest of justice.

4. These arguments have been refuted by Shri H. S. Bajwa, learned Additional Public Prosecutor by contending that allegations against accused/applicant are serious in nature and he cannot be extended concession of bail as he may hamper with investigation.

5. I have given due consideration to rival contentions and have gone through record of this case.

6. As is found from record, this case was registered on statement of Kuldip Singh son of Dalbir Singh resident of Rangar Nangal, who has stated therein that he is doing welding work in the shop of Gurwinder Singh at Mehta. On 20.10.2018 at 9.00 A.M, he had started his journey from his home towards Mehta on his motorcycle. When he had reached near sheller, which is at a distance of 2 km from his village, then Lal Singh son of Parkash Singh resident of Rangar Nangal was found standing on the road, who had given him indication to stop motorcycle. When he (complainant) had stopped his motorcycle, then Lal Singh had taken out his mobile phone make Samsung J-2 having sim No. 97793-72601 from his front pocket and thrown him from motorcycle after giving push and fled after snatching his motorcycle from him. He had told regarding incidence to respectables of his village, who had tried to compromise the matter. He had tried to trace out his motorcycle at his own, but he had failed to trace out same.

7. Perusal of record further shows that accused/applicants were arrested in this case on 24.10.2018 and now he is in judicial custody. Recovery has already been effected from accused/applicant. He is not required for purpose of investigation. Conclusion of investigation is likely to take time and thereafter presentation of challan and conclusion of trial obviously will take long time. There is no allegation that accused/applicant has got previous history. There is no allegation that accused will abscond away or tamper with prosecution evidence or he is in position to influence witnesses of prosecution. In such a situation accused/applicant

is ordered to be released on bail on his furnishing personal bonds in sum of Rs. 50,000/- with one surety of like amount, to the satisfaction of learned Ilqa/Duty Magistrate, Batala, with conditions that he will not leave the country without prior permission of the court; he will not influence prosecution witnesses in any manner and will appear in the court on each and every date of hearing. He will submit bonds in the court of Ilqa/Duty Magistrate, Batala, who may impose any other permissible condition.

8. Police record be returned and file be consigned to record room.

Pronounced
13.11.2018

(Gurjant Singh),
Additional Sessions Judge,
Gurdaspur

Rajeev Gupta,
Stenographer Gr-I

Dictated on : 13.11.2018
Transcribed on : 13.11.2018
checked on : 13.11.2018
Signed on : 13.11.2018

(Gurjant Singh),
Additional Sessions Judge,
Gurdaspur.

Lal Singh versus State

Present: Sh. Rachhpal Singh Boparai, Advocate, for accused/applicant
Shri H. S. Bajwa, Additional Public Prosecutor for State

Learned Additional Public Prosecutor has put in appearance n
behalf of State.

Police record has been produced.

Arguments on the bail application heard. Vide my separate
detailed order of even date, bail application is allowed, subject to
conditions mentioned therein.

Police record be returned and file be consigned to record
room.

Pronounced
13.11.2018

(Gurjant Singh),
Additional Sessions Judge,
Gurdaspur.

Rajeev Gupta,
Stenographer Gr-I