

In the Court of Rakesh Kumar, Addl. Sessions Judge, Kapurthala

CNR No. PBKP010007952023



Case No. BA/310/2023

Presented on : 13-02-2023

Registered on : 14-02-2023

Decided on : 22-02-2023

Kulwinder Kumar, s/o Sham Lal, aged about 53 years, r/o H. No.11, Gali No.3, Subash Nagar, Phagwara, District Kapurthala.

... Applicant/Accused

Versus

State of Punjab.

FIR No.3 of 27.01.2023,
U/s 7, 7A of P.C. Act as amended,
P.S. Vigilance Bureau, Jalandhar.

(Application for bail under Section 439 of Cr.P.C.)

Present: Sh.Rajiv Puri, Adv., counsel for the applicant/ accused.
Ms.Aarti Mehta, Addl. Public Prosecutor for the State.

O R D E R

Record perused. The present bail application has been moved by above named applicant/ accused Kulwinder Kumar, under Section 439 of Cr.P.C, pertaining to criminal case registered vide FIR No.3 of 27.01.2023, as stated above.

2. The learned counsel for the applicant has contended that he has been falsely implicated in the present case. He is in custody since 27.01.2023. no bribe money has ever been demanded, accepted or recovered

from the applicant. The complainant has made false allegations against the applicant. Applicant is neither a public servant nor working with co-accused Sodhi Singh – Patwari. No offence under PC Act is made out against the present applicant. The prosecution has to obtain sanction before the presentation of challan, which is like to take time. There is no direct or indirect evidence to connect the applicant with the alleged commission of crime. Finally, he prayed that the applicant/ accused may be released on bail.

3. On the other hand, learned Additional Public Prosecutor for the State has vehemently and strongly opposed the bail application as the offence is of serious nature. She prayed for dismissal of the bail application.

4. I have heard learned counsel for applicant/ accused, learned Addl. Public Prosecutor for the State and have gone through the record pertaining to the case in hand, very carefully, with their able assistance.

5. The present FIR has been registered on the statement of Shivraj Rana against the applicant/accused Kulwinder Kumar and non applicant/ accused Sodhi Singh – Patwari, with the allegations that Sodhi Singh, who was working as a Patwari had demanded Rs.70,000/- as a bribe from the complainant through applicant Kulwinder Kumar for doing his official work.

6. Admittedly, the applicant/ accused Kulwinder Kumar is stated to be in judicial custody since 27.01.2023 and no recovery is remained to be effected. As such, this court is of the considered view that no useful purpose will be served by detaining the applicant/ accused behind the bars for an indefinite period. Therefore, without commenting on the merits of the case, he is entitled to the concession of bail. Accordingly, this bail application stands allowed and disposed of. Applicant/ accused is ordered to be released on bail on furnishing bail bonds to the tune of Rs.75,000/- with one surety in

the like amount and to the satisfaction of the learned Trial Court. Anything said in this order shall not affect the merits of the main trial in any manner.

File be consigned to the Record-room.

Pronounced in open Court.

Dated: 22.02.2023

Kaushal

(Rakesh Kumar)
Addl.Sessions Judge,
Kapurthala

UI Code – PB0138

(Directly dictated on computer)