

**IN THE COURT OF KAWALJIT SINGH,
ADDITIONAL SESSIONS JUDGE, TARN TARAN.
(UID Number PB0155)**

Case Type	BA
Filing Number	561/2024 Filing Date:06.02.2024
Registration Number	309/2024 Date of Registration: 07.02.2024
CNR Number	PBTT0100-0661-2024
Date of Decision	15.02.2024

Princdeep Singh alias Prince Singh alias Prince, aged about 21 years, son of Sukhwinder Singh, resident of L1/691, Akali Colony, new Gurnam Nagar, Sultanwind Road, Amritsar.

---Applicant/accused

Versus
State of Punjab

---Respondent

FIR No.15 dated 26.01.2024
Under Sections 379-B (2), 511, 342, 452, 34 of IPC and 25 of Arms Act
Police Station, City Tarn Taran

BAIL APPLICATION UNDER SECTION 438 Cr.P.C.

Present: Shri Gurinder Singh, counsel for the applicant/accused
Shri Gurpreet Singh Rana, Additional P.P. for State

ORDER

Applicants/accused has filed this bail application under Section 438 Cr.P.C., seeking anticipatory bail in the above noted case.

2. The present FIR has been registered on the statement made by complainant Ashok Kumar Bhargav son of Nathu Ram to the effect that he was present in Shanidev temple on 26.02.2024. His wife namely Manju Bala Bhargav and his son namely Agrim Bhargav, aged about 15 years, were present in his house. At about 11.59 A.M., his wife Manju Bala called him in a panic condition and asked him to return home immediately. He reached home riding his Activa from the temple within 3-4 minutes and found that 4-5 youth from his neighborhood were standing outside his house in the street. They had with them two persons

who had trespassed his house and after pointing Pistol at the chest of his son demanded gold, jewelry but young persons from his neighborhood swiftly apprehended both of them along with Pistol. One of their accomplices managed to escape from the spot. Persons apprehended at spot disclosed their named and whereabouts as Jaspreet Singh alias Jashan son of late Sukhwinder Singh, resident of Street No.11, Sultanwind Road Amritsar and Harpreet Singh alias Haru son of Davinder Singh resident of Street No.11 Sultanwind Road Amritsar and stated that the person who has escaped from the spot is Prince Singh alias Prince son of Hardeep Singh, House No.272 Raw Garden, street Bhagwala, backside Alpha-I, Makboolpura, Amritsar. Accused apprehended at the spot along with 32 bore Pistol and two live cartridges were handed over to the police.

3. It is argued by the learned counsel for the applicant/accused that he has been falsely implicated in the present case. Applicant/accused has been nominated in the present FIR on the basis of confessional statement of the co-accused which has no evidentiary value in the eyes of law against the applicant/accused. There is no direct or indirect evidence against the applicant/accused and nothing incriminating is to be recovered from the applicant/accused, hence his custodial interrogation is not required at all. Applicant/accused is ready to join the investigation as and when required by the police. It is therefore requested that applicant/accused may kindly be released on anticipatory bail.

4. On the other hand learned Additional Public Prosecutor for State and opposed the bail application and prayed for dismissal of the bail application. It is submitted that applicant/accused is real brother of co-accused namely Jaspreet Singh alias Jashan and in order to shield the

applicant/accused instead of name of applicant/accused they had falsely named Prince Singh alias Prince to be the person who had escaped from the spot. During investigation their falsehood was exposed and applicant/accused has been arrayed in this FIR and wrongly name person i.e. Prince Singh alias Prince has been declared innocent. It is submitted that applicant/accused and his co-accused have committed this dare offence whereby they in broad day light trespassed into the house of complainant and at gunpoint had tried to snatch cash, jewelry and gold from the house of complainant. It is submitted that involvement of applicant/accused in such like other offences is to be investigated thoroughly. Also more recovery could be made and for that custodial interrogation of the applicant/accused is necessary and prayed for dismissal of the bail application.

5. In this case challan applicant/accused and his co-accused armed with illegal deadly firearm weapon, i.e. 32 bore Pistol, during broad day light trespassed into the house of the complainant when his wife and 15 year old son alone were present in the house. Accused persons pointed Pistol on the chest of teenage son of complainant and demanded gold, jewelry and cash from him. Luckily youth from neighborhood shown exemplary courage and over powered two of them but applicant/accused managed to escape the spot. Co-accused arrested from the spot, including real brother of the applicant/accused in order to screen the applicant/accused from legal punishment befooled the police and named another innocent person namely Prince Singh alias Prince to be person who had escape from the spot. During investigation this plot of the co-accused persons was exposed but it reflects that accused persons

are not only criminals but are hardcore criminals who have no respect for law. Also applicant/accused herein he has intentionally concealed the material facts from this court about of his previous involvement in other case FIR as well. Investigating Officer has submitted in writing that one case FIR No.34, dated 23.03.2022, under Sections 307, 353, 186, 506, 34 IPC, Police Station Kathunangal, District Amritsar, is registered against the applicant/accused. Such a person who even has tried to mislead the court in order to obtain discretionary relief of anticipatory bail otherwise is not entitled for any such relief. The police needs to unearth the total facts about the involvement of applicant/accused in the commission of such like other incidents of snatchings. For effective investigation the custodial interrogation of the applicant/accused is imminent. For these reasons, gravity of offence and keeping in view the antecedents of the applicant/accused, this court does not find any ground for accepting the prayer of the applicant/accused for grant of discretionary relief of anticipatory bail. Thus, the application is dismissed. However, it is made clear that observations made herein above shall not be construed as an expression on the merits of the main case. The bail application file be consigned to the Judicial Record Room, Tarn Taran.

Announced: 15.02.2024

**Kawaljit Singh,
Additional Sessions Judge,
Tarn Taran.
UID Number PB0155**

Lovepreet Stenographer Grade-II