

In the Court of Rupinderjit Chahal, Sessions Judge, Jalandhar.
(UID No. PB00054)

CIS No. BA-4323-2022

CNR No. PBJL01-012364-2022

Date of Institution. 06.10.2022.

Date of Decision. 07.10.2022.

1. Mandeep Kumar @ Jugna son of Binder, resident of Dyalpur, Police Station Phillaur, District Jalandhar (Aged about 26 years).
2. Avtar @ Kali son of Gian Ram, resident of Selkiana, Police Station Phillaur, District Jalandhar (Aged about 36 years).

---Applicants.

Versus.

State of Punjab.

----Respondents.

FIR No. 55 dated 29.03.2022

under Section 379-B IPC

Police Station Phillaur, Jalandhar.

First application for bail under Section 439 Cr.P.C.

Present: Shri D.S.Dyal, Advocate, counsel for applicants.
Shri Manoj Kumar, Addl. Public Prosecutor for the State.

ORDER.

1. This order of mine shall dispose of an application for regular bail filed on behalf of applicants-accused Mandeep Kumar @ Jugna and Avtar @ Kali, in the above-noted case.
2. Notice of the bail application was given to the respondent-State and record has been requisitioned.
3. The FIR in the present case was lodged on the statement of Sunita Devi wife of late Darshan Lal wherein she has stated that on 28.03.2022 she

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along with her neighbourer Simranjit Gogna came to Phillaur on their Activa Scooter No. PB-37-H-0627. After taking medicine, they were going back to Bilga. At that time, Simranjit Gogna was driving the activa scooter and she was pillion rider. At about 2:30 p.m. when they reached near Ice Factory, two persons with cut hair, came from their behind on a motorcycle and the pillion rider snatched her gold ear rings weighing about 12 grams and ran away from the spot.

4. The accused were arrested in case FIR No. 226 dated 16.08.2022 under Sections 379-B,411 IPC, Police Station Phillaur and during interrogation in the said case, they confessed having committed the occurrence of the present case. Accordingly, the accused were nominated and arrested in the present case.

5. I have heard the learned counsel for the applicants-accused, learned Addl. Public Prosecutor for the State and have perused the record of the case.

6. The learned counsel for the applicants-accused has argued that accused-applicants are innocent and have been falsely implicated in the present case. He further argued that applicants-accused never suffered any confessional statement. He further argued that FIR was lodged against unknown persons but the applicants-accused have been falsely involved in this case by fabricating the alleged confessional statement. He further argued that no recovery has been effected in the present case. He further argued that investigation in the case has completed and challan has been presented in the Court and now the presence of the accused-applicants is required for the purpose of trial. He further argue that

conclusion of the trial will take some time and no useful purpose will be served by keeping the applicants-accused behind the bar. Thus, he prayed that applicants-accused may be released on bail.

7. On the other hand, learned Addl. Public Prosecutor for the State has opposed the bail application by contending that applicants-accused are habitual offender and keeping in view the gravity of the offence, they do not deserve the concession of bail. He prayed for dismissal of the bail application.

8. I have given my thoughtful consideration to the rival contentions of both the sides. As per case of the prosecution, the snatched gold rings have been sold the accused-applicants to some unknown persons and the money has been incurred by them. A perusal of the record reveals that applicants-accused have been arrested in this case on 20.08.2022 and upon completion of the investigation, challan against the accused-applicants has been presented in the Court. As argued by the learned counsel for the applicants-accused, conclusion of the trial will take its own time. Considering the facts and circumstances of the case, the applicants-accused are ordered to be released on bail on their furnishing bail bonds in the sum of ₹.50,000/- each with one surety of the like amount to the satisfaction of learned Area Magistrate.

9. Any observation made here-in-before shall not have any bearing on the merits of the case. Summoned record be sent back along with copy of the order. Bail application file be consigned to the Record Room.

Pronounced in open Court.
Dated: 07.10.2022.

Davinder Singh, JW

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