

**IN THE COURT OF MS PALWINDER JIT KAUR,
I/c ADDITIONAL SESSIONS JUDGE, PATIALA**

BA No. 2710 of 2020
CNR No. PBPT0100-8102-2020
Decided on: 24.09.2020

Makhan Singh aged 44 years son of Sadhu Singh resident of village Ramgarh Channa, PS Lahori Gate, District Patiala.

.....Applicant/accused

Versus

State of Punjab

FIR no. 113 of 22.08.2020
U/s 379/411/489/420/467/468/471/120-B of IPC
PS: Lahori Gate, Patiala.

Application for bail under Section 439 Cr. PC.

Present: Sh. Himanshu Adv, counsel for applicant through Video Conferencing.
Sh. Deepinder Singh, Addl. PP for the State with ASI Krishan Kumar

ORDER:

1. File put up before me being Duty/Incharge Judge. This order shall dispose of bail application filed by the applicant under Section 439 of the Code of Criminal Procedure for grant of regular bail.
2. A notice was issued to the State, on which learned PP appeared. ASI Krishan Kumar has produced the record.
3. Learned counsel for the applicant has submitted that the police has falsely involved the applicant in the present case. Alleged recovery has already been effected and no more recovery is required to be affected from the applicant. The presentation of challan and trial of the case shall take sufficient long time. The presence of applicant is no more

required for purpose of investigation. The applicant is in custody since 22.8.2020. A prayer for grant of bail is made.

4. On the other hand, while controverting the contentions, learned PP for the State has vehemently argued that as allegations against the applicant are serious in nature, he does not deserve the leniency of the court in grant of relief of regular bail and prayed for dismissal of the bail application.

5. As transpired from the FIR and the record produced by the prosecution, the allegations against the present applicant serious in nature. The present applicant along with his co-accused has committed the theft of motorcycles and used the same after changing their registration numbers and later sold the same. Recovery has already been effected from the applicant. From the perusal of police record it reveals that the applicant is already in judicial lockup since 22.8.2020. Presentation of challan and conclusion of trial will take sufficient time. Keeping the accused in custody for an indefinite period till the conclusion of trial would serve no purpose, rather it would burden the State Exchequer.

6. Therefore, keeping in view of the principle that 'jail is an exception and bail is a rule', bail application is allowed and the accused/ applicant is ordered to be released on regular bail on his furnishing bail bond in the sum of Rs. One lac with one surety in the like amount subject to the following conditions:-

1. That the applicant shall not leave the country without the prior permission of the Court;

2. That the applicant shall not threaten the witnesses or tamper with the prosecution evidence in any manner;

3. That the applicant shall regularly attend the hearings before the trial Court.

7. In case the applicant mis-use the concession of bail by absenting from the proceedings without any sufficient and reasonable cause, this bail order shall be cancelled. Police record be returned and bail application file be sent back to the court concerned.

Pronounced in open Court,
On 24.09.2020

Sanjay Jain, *Stenographer-I*

(Palwinder Jit Kaur)
I/c Addl. Sessions Judge, Patiala
(UID No.PB0187)