

**In the Court of Sh. Virinder Aggarwal,
Sessions Judge, Ferozepur.
(Unique Identification No.PB0045)**

CNR No.PBFZ0100-6730-2022
CIS No. BA/2783 of 2022
Case No. 402 dated 07.10.2022
Date of Order: 17.10.2022

State

Versus

Manjit Singh aged 19 years son of Gurnaib Singh, resident of Bhupe Wala, Tehsil Zira, District Ferozepur.

... Applicant/Accused

Application for bail U/s 439 of Code of Criminal Procedure

FIR No. 119 dated 23.07.2022
U/s 379-B, 336 IPC and 25/27/54/59 of Arms Act
Police Station Makhu.

Present: Sh. Karnail Singh Advocate, counsel for applicant/accused
Sh. Dalip Kumar, Public Prosecutor for the State.

O R D E R:-

Applicant/accused has filed this regular bail under section 439 of Cr.P.C. in the above noted FIR on the allegations that he is in custody since 24.07.2022. He is innocent and has been falsely implicated in the present case. There is unexplained delay of one day in registration of the case. Case was registered against unknown persons. Conclusion of trial will take long time and no useful purpose will be served by keeping the applicant/accused in custody. Hence, it is prayed

that the application be allowed and applicant be given the concession of regular bail.

2. Notice of bail application was issued to State and Sh. Dalip Kumar, Public Prosecutor put in appearance on behalf of State. Record has also been requisitioned.

3. I have heard arguments of counsel for applicant and learned Public Prosecutor for State and have gone through the record.

4. As per the case of prosecution, Lovepreet Singh complainant got recorded his statement that on 23.07.2022, at about 10/10:30 AM, he was going alongwith his friend Karanjit Singh on motorcycle No. PB-05-W-1927 and 3 young men were found coming from the opposite side. One of them was having pistol. He fired towards complainant and his friend. Complainant thereafter, halting motorcycle, left motorcycle and ran towards the fields and these 3 persons, after taking their motorcycle, went towards Village Joge Wala and while leaving, they fired once or twice.

5. Applicant/accused was arrested on next day in FIR No.118 dated 23.07.2022, registered at Police Station Makhu and during the course of investigation, he confessed commission of offence of this case and he was taken into custody in this case.

6. Learned Public Prosecutor for the State argued that applicant/accused does not deserve to be released on bail as he has indulged in multiple acts. Whereas, learned learned counsel for the applicant/accused argued that applicant/accused has been arrested in this case only on the basis of confessional statement recorded in police custody, which is not admissible.

7. Considering the material facts that motorcycle has not been recovered till date and applicant/accused has been involved in this case on the basis of confessional statement made in police custody and he is in custody since 24.07.2022 and that trial has not commenced yet and would take sufficient time to conclude, no useful purpose would be served by keeping the applicant/accused in custody for indefinite period. Hence, the application for bail is allowed. The applicant is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of Illaqa Magistrate/Duty Magistrate. Bail papers be consigned to record room.

Pronounced.
Dated: 17.10.2022
Mukesh Kakkar,
Executive Assistant.

Sd/-(**Virinder Aggarwal**)
Sessions Judge, Ferozepur.
(UID No. PB0045)