

**IN THE COURT OF
Judicial Magistrate - Ist Class
AT Batala, Gurdaspur
(Presided Over by Ms. Prabhjot Kaur)**

BA/260/2024

FIR No. 121 dated 21.07.2023
Under Section: 379, 411, 201 IPC
Police Station : City, Batala.

Present: Ld. APP for the State.
Sh. Manjit Singh, Adv. counsel for applicant/accused.

1. Vide this order I shall dispose of the bail application moved before me being Duty Magistrate as Learned Presiding Officer is on leave on behalf of applicant/accused Jagtar Singh @ Sonu in FIR No. 121 dated 21.07.2023 registered at P.S. City, Batala, under Section 379, 411, 201 of IPC.

2. Briefly the facts of the case are that the present FIR was registered on the statement of Baljinder Singh to the effect that on 20.07.2023 at around 03:45 PM, he had gone to Bhushan Cloth house on his motorcycle bearing no. PB-18-M-9876. He parked his motorcycle outside the shop and later on when he out of the said shop, he found out that his motorcycle bearing registration no. PB-18-M-9876 was missing and he was certain that Harpreet Singh Soni has committed the theft. ASI alongwith other police officials started checking the vehicles and after some time, ASI apprehended the accused Harpreet Singh with the help of other police officials. On inquiry, he disclosed that he has stolen three other motorcycles and sold to Jagtar Singh @ Sonu and Surjit Singh. Accordingly, the applicant was nominated in this case and was arrested. Upon this FIR was registered under Section 379 / 411 / 201 IPC.

3. The present bail application has been filed on behalf of accused/applicant Jagtar Singh @ Sonu alleging that he has been falsely implicated in the present FIR and accused/ applicant is innocent person and not committed any offence as alleged in the FIR. It is further averred that the accused is in custody since 21.07.2023 and is no longer required for investigation. It is further stated vide separate affidavit that the present application is the first bail application and no similar application is pending before any other court.

4. Upon notice, Ld. APP for the State has orally opposed the bail application and requested that the accused shall not be released as the offence is involved serious in nature. Further, IO vide his separate statement has submitted that the accused is previously involved in following FIRs:

- a) FIR No. 80 dated 29.09.2014, under Sections 457 & 380 IPC, P.S. Fatehgarh Churian.
- b) FIR No. 46 dated 18.06.2014 under Sections 457 & 380 IPC, P.S. Fatehgarh Churian.

He has further submitted that this is the first bail application of the accused and no other application is pending before any other court.

5. I have heard the rival contentions of the parties and perused the file and the bail application.

6. The Hon'ble Apex court in *Sanjay Chandra v. CBI* (2012) 1 SCC 40, observed as follows:

“Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and that it would be improper for any court to refuse bail as a mark of this approval of former conduct whether the accused has been convicted for it or not

or to refuse bail to an un-convicted person for purpose of giving him a taste of imprisonment as a lesson.”

7. It is undisputed that in the present case, the custody of the accused is no more required by the police as admittedly, recovery if any has already been made. Completion of investigation and trial thereof may take considerable time and the presence of the accused/applicant during the course of further investigation as well as during the course of trial, can be secured by taking sufficient security, in the form of surety bonds. Furthermore, considering the custody already undergone and the gravity of offence, this court is of the view that there exists no ground in further curtailing the liberty of the accused/applicant. Moreover, his further detention will lead to unnecessary burden on the state exchequer.

8. Accordingly, his prayer is accepted and he is hereby ordered to be enlarged on bail subject to furnishing of personal bonds in the sum of rupees 30,000/- along with one surety in the like amount. Bail/surety bonds not furnished.

9. Bail application stands disposed of accordingly. Bail application be attached with the remand papers. Papers be sent back to the concerned court immediately.

Pronounced in open Court :
Dated: 19.04.2024.

(Prabhjot Kaur) PCS,
Judicial Magistrate Ist Class,
Batala. PB0650. (Duty)