

IN THE COURT OF JUDICIAL MAGISTRATE IST CLASS,
NAKODAR
(PRESIDED OVER BY MS. KHUSHDEEP KAUR)
(UID No.PB0652)

Presented on : 18.01.2024
Registered on : 18.01.2024
CIS No. : BA/25/2024
CNR No. : PBJLA1-000077-2024
Decided on : 23.01.2024

Jagga Singh @ Kala Singh @ Kali Vs. State of Punjab

FIR No. 68 Dated 20.07.2023
Under Section 457, 380, 411 IPC
PS:Lohian, Distt. Jalandhar.

Present: Ms. Nirlep Kaur, Ld.APP for the state.
Ms. Poonam Rani, Advocate for the accused/applicant.

ORDER:

1. Arguments heard on the bail application of applicant/accused Jagga Singh @ Kala Singh @ Kali. Learned counsel for applicant/accused argued that accused is innocent and a false case has been registered against him by the police. He has not committed any offence as allegation levelled against him. Accused is in custody since the date of his arrest. The challan has already been presented and culmination of trial will take time. Recovery has already been made, as such, further custody of the applicant is no more required. The applicant undertakes to appear before the Court on each and every date of hearing. The applicant is ready to furnish the bail bonds and surety bonds before the Court and undertakes to abide by the other directions of this Court. Along with this application affidavit of Jatinder who is relative of the accused is also annexed who submitted that no other bail application of this accused is pending in another Court. The learned counsel for the applicant/accused prayed that the accused may be admitted on bail.

2. The learned APP for the State also submitted in reply to this bail application that as per statement of complainant as well as the facts come on record during investigation that accused has committed the offence and he has been rightly nominated in this case as per police record. The accused can misuse the concession of bail and leave the jurisdiction of Court and can tamper prosecution evidence. Accused can give threats to the witnesses of prosecution, if he is admitted to bail. She further argued that if accused released on bail he will misuse concession of bail. She prayed that present bail application may be dismissed.

3. In the present case, the applicant/accused has been booked for an offence punishable under Section 457, 380, 411 IPC. As per record accused/applicant is in judicial custody. The custody of accused is no more required for interrogation purpose. Moreover, no useful purpose shall be served by keeping the accused behind the bar for indefinite time. The challan has already been presented and culmination of trial will take time. No instances of past criminal conduct has been brought against the accused. So, as per legal doctrine 'bail is rule and jail is exception', and facts and circumstances of the present case the applicant/accused is admitted to bail in above-cited FIR No.68 dated 20.07.2023 U/s 457, 380, 411 IPC on his furnishing bail bonds in the sum of Rs.75,000/- with one surety in the like amount with the following conditions:-

- a) that he shall attend the court proceedings on each and every date of hearing and shall not absented himself;
- b) that he shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected;

- c) that he shall not leave the Country without the permission of the court;
 - d) And that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or tamper with the prosecution evidence.
4. Accordingly, the bail application is hereby allowed. Bail bonds and surety bonds of accused not furnished. Papers be tagged with the main file.

Pronounced.

Date of Order: 23.01.2024
Pardeep

(Khushdeep Kaur, PCS)
Judicial Magistrate First Class
Nakodar. UID NO. PB0652