

State Vs. Surinder Kumar etc
BA No. 241/2021

CNR No. PBSMB1-001685-2021

**IN THE COURT OF NEERAJ GOYAL,
SUB DIVISIONAL JUDICIAL MAGISTRATE
MALOUT, UID NO. PB0365**

BA/241/2021

State Vs. Surinder Kumar etc

FIR No. 99 of 25.05.2021,

Under Sections:- 452, 365, 342, 295, 323, 148 and 149 IPC,

Police Station: City Malout

Present:- Shri H.S Sandhu, Advocate Counsel for the applicants / accused Kamal S/o Chiman Lal, Gulshan Kumar S/o Charan Dass and Mukesh Kumar S/o Darshan Lal.
Shri H.S Kahlon, APP for the State with IO Sukhraj Singh No. 935/ SMS.

These remand papers of applicants / accused **Kamal S/o Chiman Lal, Gulshan Kumar S/o Charan Dass and Mukesh Kumar S/o Darshan Lal** were fixed for 18.06.2021 but have been taken up today as bail application moved on behalf of these accused / applicants is listed for today.

Record produced. Heard on the bail application filed on behalf of applicants / accused **Kamal S/o Chiman Lal, Gulshan Kumar S/o Charan Dass and Mukesh Kumar S/o Darshan Lal**. In support of the bail application, it has been submitted that the applicants / accused have been falsely implicated in the present case. From the allegations in the FIR no alleged offences are made out. False FIR has been registered against accused persons. Further, Priynka D/o Surinder Kumar was molested, wrongfully confined by the complainant Sunny and he attempted to commit rape upon her. In order to raise defence the entire family of the Priyanka and her near ones have been falsely implicated in the present case. The vagueness of the allegations against the applicants / accused clearly show that they have been falsely implicated in the present case.

Neeraj Goyal, PCS, SDJM, Malout, 15.06.2021.

Ld. Counsel for applicants/ accused further averred that trial will take long time and no useful purpose can be served by detaining the applicants / accused in judicial custody. The applicants / accused undertake to abide by all the terms and conditions which may be imposed by the Court. Thus, prayed for concession of bail.

On the other hand, the learned APP for the State orally opposed the bail application and has not filed any written reply. He submitted that the applicant / accused persons have committed serious offence, so they should not be released on bail.

Heard. Record perused. From a careful consideration of the rival contentions, it is to be stated that the applicants / accused are in custody in the present case since 09.06.2021. Considering the nature of the offence and especially the prevailing conditions of threat of spreading the deadly virus i.e. COVID-19, it is in the fitness of things to grant bail to the accused. Moreover, in these prevailing conditions, it is necessary to keep accused of such like offences out of jail to prevent congestion in the jails, which are otherwise facing problem of overcrowding, more especially when as per the directions **dated 25.03.2020, 02.05.2020, 31.07.2020, 18.11.2020, 05.02.2021 and 23.04.2021 issued by the High Power Committee headed by the Hon'ble Chairperson, Punjab State Legal Services Authority, SAS Nagar, Punjab**, in view of the guidelines issued by the **Hon'ble Supreme Court of India on 23.03.2020 in Suo Motu Writ Petition (Civil) No.1/2020- in RE : Contagion of Covid-19**, exercise of decongesting the jails, by releasing the convicts on parole and under-trials on interim bail, has already been undertaken in State of Punjab. Moreover, during the course of arguments IO Sukhraj Singh No. 935/ SMS, who is also present in the Court today, on being asked by the Court, informed that no other case is registered against the accused / applicants **Kamal S/o Chiman Lal, Gulshan Kumar S/o Charan Dass and Mukesh Kumar S/o Darshan Lal**. Moreover, these accused / applicants themselves surrendered before this

Court on 09.06.2021, on which date they were formally arrested with the permission of the Court by the IO and after associating them in the investigation, IO moved the application for sending them to judicial custody on the same day, which means that these applicants / accused Kamal S/o Chiman Lal, Gulshan Kumar S/o Charan Dass and Mukesh Kumar S/o Darshan Lal were no more required by the police for their interrogation. Further, conclusion of trial will take long time, so a lenient view is taken against the applicants / accused Kamal S/o Chiman Lal, Gulshan Kumar S/o Charan Dass and Mukesh Kumar S/o Darshan Lal and further no useful purpose will be served by detaining them in custody during the proceedings of the present case and even otherwise it is not the case of the prosecution that if released on bail, accused / applicants will tamper with the prosecution witnesses.

So, in view of my aforesaid observations, the present bail application filed on behalf of applicants / accused Kamal S/o Chiman Lal, Gulshan Kumar S/o Charan Dass and Mukesh Kumar S/o Darshan Lal is allowed and applicants / accused Kamal S/o Chiman Lal, Gulshan Kumar S/o Charan Dass and Mukesh Kumar S/o Darshan Lal are ordered to be released on bail on their furnishing bail bonds in the sum of Rs. 80,000/- each, with one surety of the like amount each, with the conditions that they will not tamper with the prosecution evidence and appear in the court on each and every date of hearing. Requisite bail bonds and surety bonds furnished which are accepted and attested. Release orders be issued.

Copy of this order along-with copies of jamabandies/sale-deeds of sureties Ram Krishan S/o Asha

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Ram, Rani Devi W/o Narain Dass and Pritpal Singh S/o

Duli Chand, be sent to the Revenue authorities / Tehsildar
concerned for making entry in record regarding surety.

Bail application stands disposed off. Be tagged. Papers be put
up on 18.06.2021 date already fixed in the remand papers.

Date of Order: 15.06.2021
(Yadwinder Singh, Steno-III)

(Neeraj Goyal)
SDJM/Malout
UID No. PB0365

“Dictated Directly”