

IN THE COURT OF MS. HARINDER KAUR SIDHU,
ADDITIONAL SESSIONS JUDGE, FEROZEPUR.
(UID No.PB-0130)

Bail Application No.62 of 5-2-2019
CIS No. BA-250 of 2019.
CNR No.PBFZ010006262019
Date of decision: 11-02-2019.

Punjab Singh @ Punjab Singh Bajwa, aged 22 years son of Sarajit Singh,
resident of Near Bibi Bhani Wala Khuh, Mohalla Jaswant Singh Wala, Tarn
Taran, Tehsil and District Tarn Taran.

-----Applicant/accused.

Versus

State of Punjab

-----Respondent.

Application for bail under Section 439 Cr.P.C.

Present: Sh. P S Sran, counsel for the applicant/accused.
Sh. APS Brar, Additional Public Prosecutor for State

ORDER

1 This order finally disposes off an application for regular bail under Section 439 Cr.P.C filed by applicant/accused Punjab Singh, in case FIR No.129 dated 22-8-2018, under Sections 399, 400 and 401 IPC and 25/27/54/59 of Arms Act, registered at Police Station Makhu.

2. Upon notice, Additional Public Prosecutor assisted by the Investigating officer have appeared to represent the State and contest the bail application. Police records have been produced.

3. It was argued by the learned counsel for the bail applicant that the bail applicant has been falsely implicated in this case. The FIR was registered on secret information which is a weak type of evidence. No offence under Section 399 and 400 IPC is made out from the contents of the FIR against the bail applicant. The bail applicant is in custody and no more

required for further investigation. No useful purpose would be served by detaining him behind bars since presentation of the challan and thereafter trial is likely to take time. Hence, the bail application may be allowed.

4. On the other hand, it was argued by the Additional PP for the State that there was ample evidence to show role of the bail applicant in the commission of the crime. Hence, a lenient view may not be taken.

5 Appreciating the contentions aforesaid and having gone through the record, it transpires that on 22-8-2018 police party headed by ASI Lakhwinder Singh were on patrol and checking duty and were on their way to Makhu, when the police party reached Amritsar-Tikoni, Makhu, an informer imparted secret information that there was a gang of dacoits from Tarn Taran area and members of the said gang namely Punjab Singh son of Sarabjit Singh resident of Tarn Taran and Parambir Singh son of Lakhwinder Singh resident of Zira on a Scorpio vehicle no.PB-03AN-6800 were roaming in the area of Makhu and were preparing to commit dacoity and if a check post was laid on the bridge on Mallanwala Road, Talwandi Nepal, the said Punjab Singh and Parambir Singh could be apprehended. Finding the information to be reliable, ruqa was sent to the police where formal FIR was registered. Thereafter the accused were arrested. Scorpio was recovered along with a baseball bat from the Parambir Singh (non bail applicant) and later on, on a statement under Section 27 of the Indian Evidence Act, Rs.5500/- were got recovered by him. A 32 bore pistol along with currency notes of Rs.18000/- were recovered from Punjab Singh bail applicant.

6 The bail applicant is in custody since 22-8-2018. Challan has already been presented in the court of the magistrate and is pending trial.

Trial is likely to take time. No purpose would be served by detaining the bail applicant behind bars. Accordingly, the bail application is allowed. Bail bonds and surety bonds be submitted before the Area Magistrate/Duty Magistrate to his/her satisfaction and conditions deemed appropriate. File be consigned to the record room.

Pronounced.

Dated 11-02-2019.

‘Parmjit Singh’
Stenographer Grade-II

sd/-
(Harinder Kaur Sidhu)
Additional Sessions Judge,
Ferozepur (UID No.PB-130)