

**In the Court of Sh. Harbans Singh Lekhi,
Additional Sessions Judge, Faridkot**
(Unique Identification No. PB0113)

Case Type	BA
Case No.	520 of 13.10.2020
Registration No.	1058/2020
CNR No.	PBFD01-002673-2020
Date of Decision	16.10.2020.

State

Versus

Darshan Singh son of Lal Singh, resident of village Jidra Tehsil Dharmkot, Police Station Dharmkot, District Moga (now in Central Modern Jail, Ferozepur).

.....Accused/applicant

F.I.R.No.61 dated 04.06.2020.
Offence under Section 395 IPC
and 25 Arms Act,1959 & Section 201 IPC
added later on vide DDR No. 09 dated 08.08.2020.
Police Station Sadar Faridkot.

Application under Section 439 Cr.P.C.

Present:- Sh. Surinder Singh Ghand, Advocate, counsel for
applicant-accused.
Sh. Amit Goklaney, Additional Public Prosecutor for the
State.

ORDER

This order shall dispose of bail application under Section 439 Cr.P.C., filed by accused-applicant Darshan Singh in case FIR No.61 dated 04.06.2020, under Section 395 IPC, 25 Arms Act,1959 & later on added Section 201 IPC, Police Station Sadar Faridkot.

2. Notice of the bail application was issued to the State and learned Additional Public Prosecutor for the State appeared and contested

the same. Police record was summoned and received.

3. I have heard Sh.Surinder Singh Ghand, Advocate, learned counsel for accused-applicant and Sh.Amit Goklaney, learned Additional Public Prosecutor for the State and have carefully gone through the record of case.

4. Learned counsel for applicant-accused has argued that applicant-accused has not committed any offence and has been falsely implicated in this case. He argued that nothing is to be recovered from the accused-applicant. Accused-applicant is in custody since long. Challan has already been presented but conclusion of trial will take time and no useful purpose will be served by detaining the accused in custody for indefinite period. He further argued that accused-applicant will abide by all the terms and conditions to be imposed by this Court while releasing him on bail and prayed that bail application be allowed.

5. On the other hand, learned Additional Public Prosecutor for State has opposed the bail application and contended that FIR has been registered against unknown 4/5 persons with regard to dacoity committed by them in Indusind Bank at Tehna. Thereafter, vide DDR No. 39 dated 12.06.2020, accused-applicant and others were nominated as accused. He argued that allegations against accused-applicant are serious in nature, so, applicant-accused is not entitled for concession of bail and prayed that application be dismissed.

6. I have given my thoughtful consideration to the rival contentions of learned counsel for applicant-accused and learned Additional Public Prosecutor for the State.

7. Perusal of record reveals that FIR No.61 dated 04.06.2020, under Section 395 IPC and 25 Arms Act,1959 was registered at Police Station Sadar Faridkot against 4/5 unknown persons on the statement of Nipar Mittal, Branch Manager, Indusind Bank, village Tehna on the allegations that on 04.06.2020 he along with Varinder Kaur Cashier, Dharminder Singh Bank employee and Veer Singh, Peon were present in the Bank. At about 1.10 P.M., no account holder was present in the bank, then four young persons, out of which three were wearing mask, entered into the premises of the bank and one person remain sitting in the Honda City Car, which was lying parked in front of the bank. Two persons, who entered in the bank were armed with pistol and another was armed with big gun and another was armed with 'kirpan', who gave a kirpan blow on the back of peon of bank and gave two kirpan blows him, which hit on his left bicep and left shoulder. The said persons were threatening Veer Singh Peon confined him in bathroom. Then, they put a pistol on his ear and the ears of Varinder Kaur and Dharminder Singh and asked them to hand over the transactions going on in the bank. Then, they also confined him and Dharminder Singh in the bathroom and stood on the gate of bathroom. One person took Varinder Kaur to cash counter, where cash of Rs.2,33,050/- and Rs.1,10,000/- in the Safe and they with the help of weapons committed dacoity of Rs.3,43,050/- in the bank and while leaving they also snatched his mobile MI-A2 having no. 94635-49050, 97802-70270 and mobile Samsung J6 having No.75068-21674 of Veer Singh, mobile samsung A-10 having No.62802-39576, 82649-14058 of Cashier Varinder Kaur and also snatched one gold chain and gold ring of

Varinder Kaur, Cashier and they fled away from the spot in the car towards village Chahal.

8. Perusal of record reveals that on the same day, two mobile phones were found lying in katcha water course on the side of Tehna-Chahal road, which were taken into police possession and during investigation Gurwinder Singh alias Gobinda son of Binder Singh, Babbu son of Kakku Singh, Kamaldeep Singh alias Kamal, Darshan Singh son of Lal Singh, Palwinder Singh alias Happy son of Gian Singh, Balwinder Singh alias Ghanti, Kulwinder Singh alias Kinda and Phola were nominated as accused vide DDR No. 39 dated 12.06.2020. Then, vide DDR No. 09 dated 08.08.2020, offence under Section 201 IPC was added.

9. Perusal of the file further reveals that challan in this has been presented before the Illaqua Magistrate and same is pending for committal proceedings. Therefore, keeping in view the facts and circumstances of the case and gravity of offence, applicant-accused is not entitled to be released on bail. Bail application is accordingly dismissed. However, any observation given above, shall have no bearing on the merits of the case. Bail application file be consigned to record room.

Pronounced.
Dated:- 16.10.2020.

Mukesh Kumar

(Harbans Singh Lekhi)
Additional Sessions Judge,
Faridkot.
(Unique Identification No.PB0113)

Present:- Sh. Surinder Singh Ghand, Advocate, counsel for
applicant-accused.
Sh. Amit Goklaney, Additional Public Prosecutor for the
State.

Learned counsel for accused-applicant has filed the
application by way of I.A. No. 01 of 2020 for adding of Section 201 IPC.
Heard. Same is taken on record, same is disposed off.

Police record produced. Arguments heard. Vide my separate
detailed order of even date, bail application filed by the applicant-accused,
has been dismissed, as detailed therein. Police record be returned. Bail
application file be consigned to record room.

Pronounced.

Dated:- 16.10.2020.

(Harbans Singh Lekhi)
Additional Sessions Judge,
Faridkot.
(Unique Identification No.PB0113)

Mukesh Kumar