

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

Case Type	BA
Case No.	490 of 05.10.2020/08.10.2020.
Registration No.	1014/2020.
CNR No.	PBFD01-002552-2020
Date of Decision	09.10.2020.

State

Versus

Rajan Kumar alias Mani, aged about 23 years son of Raj Kumar, resident of Dwareana Road, Surgapuri Kotkapura, Tehsil Kotkapura, District Faridkot.

...Accused/applicant

F.I.R.No.210 of 29.09.2020
Offence under Sections 379-B, 34,411 IPC.
Police Station City Kotkapura.

Bail application under Section 439 Cr.P.C.

Present:- Ms.Harjot Kaur, Advocate, counsel for applicant-accused.
Sh.Sahib Singh, Additional Public Prosecutor for the State.

ORDER

This order shall dispose of bail application under Section 439 Cr.P.C., filed by accused-applicant Rajan Kumar alias Mani, in case FIR No.210 dated 29.09.2020, under Sections 379-B,34,411 IPC, Police Station City Kotkapura.

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 Ms. Harjot Kaur, Advocate, learned counsel for

accused-applicant and Sh.Sahib Singh, learned Additional Public Prosecutor for the State and have carefully gone through the record.

4. Learned counsel for applicant-accused has argued that applicant-accused has not committed any offence and has been falsely implicated in this case. The story of prosecution is highly improbable and unnatural. There is unexplained delay in registration of case. Presentation of challan and 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, has opposed the bail application and contended that present FIR was registered against accused-applicant and other under Sections 379-B and 34 IPC. Later on, recovery of laptop was effected from accused-applicant and offence under Section 411 IPC was added. The allegations against accused-applicant are serious in nature. Investigation of this case has not yet been completed, 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 on 29.09.2020 Amandeep Singh, son of Thakur Dass son of Tek Chand, resident of Surgapuri, Kotkapura (complainant) suffered a statement before the police that he is

doing a private job at M/s S.L.Electronics, Railway Road, Street Purani Patiala Bank Wali, Kotkapura and Pankaj Kumar son of Om Parkash Sethi, resident of Tapa Mandi, now resident Kajian Chowk, Kotkapura is also working at M/s S.L.Electronics through Havels Company Ltd. On 18.09.2020, in the evening time, he along with Pankaj Kumar were going on Activa from the shop to the house of owner Rahul Kumar and Pankaj Kumar was driving the Activa and he was sitting on the back seat of the Activa while carrying a Laptop of his shop. Then, at about 8.20 P.M, when they crossed the Chandigarh Children Hospital, then two cutsurd persons came on the motor-cycle from their backside and pillion rider of the motor-cycle snatched his laptop and fled away from the spot. They chased both the persons and when they reached in front of Sada Ram Bansal School and they tried to catch them but fled away on the motor-cycle after pushing them. The noted down the motor-cycle number as PB04W-6966 make HF Deluxe and they are known to them from their faces as they are from the city of Kotkapura but do not remember their names. Later on, he came to know the name of the person who snatched the Laptop from him and was driving the motor-cycle was namely Rajan Kumar alias Mani son of Raj Kumar, resident of Surgapuri, Kotkapura and the person who also snatched laptop was namely Manpreet Singh son of Jagsir Singh, resident of near Telephone Exchange, Sri Muktsar Sahib Road, Kotkapura. On the basis of said statement, a case FIR No.210 dated 29.09.2020, under Sections 379-B and 34 IPC was registered against accused-applicant and other at Police Station City Kotkapura. Accused was arrested and recovery of laptop was effected from accused-applicant

Rajan Kumar alias Mani and then vide DDR No.18 dated 30.09.2020, offence under Section 411 of IPC was added.

8. The allegations against accused-applicant are serious in nature. Investigation of this case has not yet been completed. So, keeping in view the facts and circumstances of the case and gravity of offence, I do not consider it a fit case for granting bail to accused-applicant. Bail application is accordingly dismissed. However, any observation given above, shall have no bearing on the merits of the case. Police record be returned. Bail application file be consigned to record room.

Pronounced.
Dated:- 09.10.2020.

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

Mukesh Kumar

Present:- Ms.Harjot Kaur, Advocate, counsel for applicant-accused.
Sh.Sahib Singh, Additional Public Prosecutor for the State.

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:- 09.10.2020.

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

Mukesh Kumar