

In the Court of Shri Harjeet Singh,
Additional Sessions Judge, Amritsar

(Unique Identification No. PB0131)

Case Type	BA	
Filing No.	BA/2109/2020	Date: 02.03.2020
CNR No.	PBAS010031232020	
CIS Number	BA/1006/2020	
Date of Order	20.03.2020	

State of Punjab.

Versus

Harry alias Harinessh Marwaha son of Satish Kumar son of Ganesh Dass,
resident of H. No. 66/67, Krishna Square-II, Amritsar.

.....Applicant/accused.

FIR No. 31 of 24.02.2020
Under Sections 365, 342, 323, 506, 34 of IPC
Police Station: Majitha Road, Amritsar.

Bail Application under Section 439 Cr.P.C.

Present: Shri Rajesh Sharma, Counsel for the applicant-accused.
Shri Jagdeep Kumar, Addl. PP for the State.

ORDER

Vide this order, I intend to dispose of bail application under
Section 439 Cr.P.C. filed by applicant-accused Harry alias Harinessh
Marwaha in the FIR mentioned above.

Police record was summoned and received.

Learned Counsel for the applicant-accused argued that
applicant-accused is innocent and has been falsely implicated in this case.

Applicant-accused is in custody since long. He is no more required for further investigation. The presentation of challan and conclusion of trial will take time. No useful purpose would be served by detaining the applicant-accused behind the bars for indefinite period and prayed that accused be released on bail.

On the other hand, learned Addl. PP for the State opposed the bail application and argued that allegations against the accused are serious and it is not a fit case, where concession of bail can be given to accused and prayed that bail application be dismissed.

I have considered the submissions of learned Counsel for the applicant-accused and learned Addl. PP for the State and have gone through the record.

The present FIR was registered at the instance of Gulshan Thakur on the allegations that on 23.02.2020, at about 11 PM, he went to purchase cigarette from a khokha near wall of PWD office, Batala Road, Amritsar. Kaka, Harry, Baba Chiri alongwith one unidentified person came there by car and they all started beating him. Baba Chiri took a brick and hit on his head at left side and blood started oozing. He kept his hands on his head and Baba Chiri kept giving blows of bricks on his hands. Then, they forcibly took him into car and drove away the car and kept on beating him and thereafter, they threw him ahead of Escort Hospital near Bridge Verka

Bypass.

Applicant-accused is already in judicial custody. The presentation of challan and conclusion of trial will take time. Whether offence under Section 365 of IPC is made out or not, is debatable. Criminal liability of accused is to be gauged during trial. No useful purpose would be served by detaining the applicant-accused behind the bars for indefinite period, rather it will be burden on State Exchequer. So, without much commenting upon merits of the case, bail application is allowed and applicant-accused is ordered to be released on bail on furnishing personal bonds in the sum of Rs. 75,000/- with one surety in the like amount, to the satisfaction of learned trial Court/learned Duty Magistrate, with following conditions:-

- (i) that he shall not leave the country without prior permission of the Court;
- (ii) that he shall appear in each and every date of hearing; and
- (iii) that he shall not tamper with the prosecution evidence.

Police record be returned forthwith. Bail application file consigned to the record room.

Dated: 20.03.2020

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(Harjeet Singh),
Additional Sessions Judge,
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