

Parshotam Vs. State of Punjab

FIR No. 0037 dated 07.04.2024
U/s 452/323/427/148/149 IPC
PS Khuian Sarwar.

Present:- Sh. R.S. Josan Ld. APP for the State
Sh.Mukesh Siag Advocate for the accused/applicant Parshotam.

Heard on the application for bail filed by the accused/applicant ***Parshotam*** in case bearing FIR No. 0037 dated 07.04.2024 under section 452/323/427/148/149 IPC, Police Station Khuian Sarwar, Abohar.

2. The counsel for accused/applicant has averred that the accused/applicant has been falsely involved in this case and a false FIR has been registered against the accused/applicant. It is further averred that except the offence under Section 452 IPC, all the remaining offences are bailable in nature and the offence under Section 452 IPC is yet to be proved after recording prosecution evidence. It is further averred that the completion of investigation, presentation of challan and thereafter conclusion of trial will take long time, no useful purpose will be served by detaining the accused/applicant in custody for an indefinite period, rather it will burden on state exchequer. Hence he has prayed to release the accused-applicant on bail.

3. But on the other hand, APP for the State has averred that the accused should not be provided the benefit of bail as the offences alleged are serious in nature. Hence, he has prayed for dismissal of bail application.

4. After hearing both the parties and perusing the police file, it is revealed that in the FIR, no specific attributions of injuries have been made to the accused person/applicant and it is revealed from the police record that there is no MLR of the complainant or injured persons to assess the extent of injuries allegedly suffered on their persons and from the contents of the FIR, it is prima-facie revealed that none of the weapons allegedly being carried by the accused persons to cause damage to the main gate of the house of the complainant, were used for causing alleged hurt injuries on the person of complainant or injured persons. Therefore, though prima facie offence under section 452 IPC is made out against the accused-applicant as per the version of FIR, but keeping in view the totality of the facts and circumstances discussed above, the court is of the considered view that no prejudice shall be caused to the complainant side if the concession of bail is granted to the applicant, as there is no chance of any tampering either of the evidence or with the witnesses revealed from the conduct of the applicant as per the police file. Moreover, there is no previous conviction shown on record qua the applicant/accused for the offences of similar nature.

5. Accordingly, bail application of the accused stands **allowed** and accused **Parshotam** is admitted to bail on his furnishing bail bonds in the sum of Rs. 80,000/- with one surety in the like amount for subject to the following conditions:-

- He shall not commit similar type of offence.
- He shall not induce or threaten witnesses of the case and shall not tamper with evidence of the case.
- He shall come present on each and every date.

6. However, nothing observed above shall be considered to be the opinion upon the merits of the trial at later stage. Necessary bail bonds/surety bonds of accused **Parshotam** not furnished. Papers pertaining to the bail application be tagged with the remand papers.

Date of order:-23.04.2024
Rajwinder Kaur
Steno-II

Rubina Josan
Judicial Magistrate Ist Class
Abohar/UID-PB0540