

**IN THE COURT OF SHRI H.S. GREWAL,
SESSIONS JUDGE, MANSA
(UID NO. PB0081)**

Bail application No.425

Date of institution: 19.09.2024

CIS No.BA/1309/2024

CNR No.PBMN010036772024

Date of order: 26.09.2024

Raj Kumar, aged about 51 years, son of Roshan Lal, resident of Ward
No.02, near Gas Agency, Budhlada, Tehsil Budhlada, District Mansa.

--- Applicant-accused

Versus

State of Punjab.

---Respondent.

Bail application under Section 482 of the Bharatiya Nagarik
Suraksha Sanhita 2023.

FIR No.190 dated 12.09.2024
under Sections 303(2), 317(2) of the Bharatiya
Nyaya Sanhita (BNS), 2023, Police Station, City
Budhlada, District Mansa.

Present: Shri J.S. Chahal, Advocate, counsel for applicant-accused.
Shri Harvinder Singh, Public Prosecutor for the State.

ORDER

This order of mine shall dispose of an application for
anticipatory bail filed on behalf of applicant Raj Kumar in FIR No.190

dated 12.09.2024, under Sections 303(2), 317(2) of the Bharatiya Nyaya Sanhita (BNS), 2023, Police Station, City Budhlada, District Mansa.

2. In pursuance of notice of the application having been issued, the learned Public Prosecutor for the respondent-State has put in appearance and record has been produced by ASI Baljit Kaur. Report of Ahlmad has been perused. As per report of Ahlmad, no application filed by the applicant is pending nor any application has been decided by the Hon'ble High Court.

3. Learned counsel for applicant has argued that the applicant has been falsely implicated in the present case qua the alleged theft of an iron cover which had been laid on the drain in front of house of the complainant. As per the complainant, the said iron cover had been stolen by accused Balkar Singh and Akash, who have allegedly further sold the same to the applicant. He has urged that applicant, who deals in scrap, he was neither informed nor it was within knowledge of the applicant as to whether the said cover was stolen one. The applicant is ready to abide by the directions, if any imposed. Application be allowed.

4. On the other hand, learned Public Prosecutor for State has hotly opposed the contentions and has argued that the FIR has been lodged on the basis of statement of complainant Pankaj Kumar qua the alleged theft of an iron cover laid on drain in front of his house, which had been stolen on 10.09.2023 at about 11:00 P.M. As per the complainant, the said iron cover had been stolen by accused Balkar Singh and Akash, who have further sold the same to the applicant. Recovery is

yet to be effected of the said iron cover. Besides the present case, one case under the NDPS Act and another case under the Excise Act has already been lodged against the applicant. The application be dismissed.

5. After giving my thoughtful consideration to the rival submissions and on careful perusal of the averments put in the application, contents of the FIR, perusal of record produced by ASI Baljit Kaur, coupled with the assistance rendered, it is apt to make mention that as per the complainant Pankaj Kumar, on 10.09.2024, at about 11:00 P.M. an iron cover laid on the drain in front of his house had been allegedly stolen. As per the complainant, theft has been allegedly committed by Akash and Balkar Singh, who as per the assistance rendered by Investigating Officer, are in custody. The prosecution version is that the said iron cover has been sold by Balkar Singh and Akash allegedly to the applicant. As per assistance rendered by learned counsel for the applicant Shri J.S. Chahal, Advocate during the course of arguments on the bail application, the applicant is a scrap dealer and in case he has purchased the said iron cover, there was nothing as to it being a stolen property. The applicant is ready to fully cooperate and to facilitate the recovery of iron cover in case it is shown to have been sold to him by accused Akash and Balkar Singh. Hence, taking note of totality of the facts, the Court is of the considered opinion that ends of justice shall be squarely met in case applicant is directed to make himself available to facilitate thorough and fair investigation. As such, custodial interrogation of the applicant is not required. Thus, the applicant is directed to appear before the SHO/

investigating officer within seven days from today and he shall fully cooperate. On putting in appearance, the applicant shall be admitted to bail on his furnishing the bail bonds in the sum of Rs.50,000/-with one surety in the like sum, to the satisfaction of the Investigating Officer/S.H.O of the concerned police station, with the directions:-

1. That the applicant shall not leave the country without prior permission of the court,
2. He shall not tamper with the prosecution evidence even to the slightest,
3. He shall render every possible help during the investigation as and when called upon,
4. He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.
6. He shall make compliance of the provisions enshrined under section 482 of the Bharatiya Nagarik Suraksha Sanhita. The bail application is accordingly allowed. Copy of order be sent to the concerned police station for compliance. Police record has been returned. File be consigned to the record room.

Announced:
26.09.2024

(H.S. Grewal)
Sessions Judge, Mansa
(UID No.PB0081).

CNR No.PBMN010036772024

BA/1309/2024

Raj Kumar Vs. State

Present: Shri J.S. Chahal, Advocate, counsel for applicant-accused.
Shri Harvinder Singh, Public Prosecutor for the State.

Record has been produced by ASI Baljit Kaur. Arguments have been heard. Vide separate detailed order of even date, the bail application has been allowed as detailed therein. Police record has been returned. Copy of order be sent to the concerned police station for compliance. File be consigned to the record room.

Announced:
26.09.2024

(H.S. Grewal)
Sessions Judge, Mansa
(UID No.PB0081).

Sukhwinder Singh SG-II