

**IN THE COURT OF MS.HIMANSHI GALHOTRA,
SUB DIVISIONAL JUDICIAL MAGISTRATE, PHAGWARA.
(UID PB-0317)**

CNR No. PBKPA10018872022**Case No. BA/127/2022****Presented on : 27-09-2022****Registered on : 27-09-2022****Decided on : 30-09-2022**

Shivi Batta son of Shri Rakesh Kumar Batta son of Late Shri Om Parkash Batta, aged about 35 years, resident of 37-A, New Model Town, Phagwara, District Kapurthala at present lying lodged at Central Jail, Shri Goindwal Sahib.

....Accused/Applicant

Versus

State of Punjab

FIR No.118 dated 28.6.2017
U/s 505(2), 153-A and 153-B IPC
P.S.City Phagwara, District Kapurthala.

Present: Sh.Himanshu Prashar Advocate for applicant/accused.
Sh.Arinder Singh APP for the State.

Arguments on bail application on behalf of applicant/accused

Shivi Batta heard. It is prayed that he was granted anticipatory bail under Sections 505(2), 153-A of IPC by the Hon'ble Punjab and Haryana High Court, Chandigarh and admitted to bail by the trial court as well in these sections, but the challan was also presented under Section 153-B IPC. Even, the charge was framed under the above offence. It is prayed that applicant is in custody in this case for more than 3½ years. Accordingly, it

is prayed that bail be granted to him under Section 153-B IPC.

2. On the other hand, learned APP for the State orally opposed the bail application with prayer to dismiss the same.

3. Perusal of original record transpires that accused was granted anticipatory bail by the Hon'ble Punjab and Haryana High Court, Chandigarh under Section 505(2) and 153-A IPC. But challan was also presented by the police under Section 153-B IPC. This court is of the view that on the same set of allegations, the accused has already been granted benefit of anticipatory bail by the Hon'ble Punjab and Haryana High Court, Chandigarh. Later on, after granting anticipatory bail, challan was presented under Section 153-B IPC as well. The accused is in custody in this case for more than 3½ years, thus has already undergone half of the imprisonment as prescribed under the law. Thus, the applicant is also entitled to bail under this offence under the provision of Section 436A Cr.P.C. Moreover, trial of this case is likely to take time to conclude and accused has already been granted anticipatory bail in the present FIR by the Hon'ble Punjab and Haryana High Court, Chandigarh too. Hence, keeping in view the above discussion, accused Shivi Batta is admitted to regular bail under Section 153-B IPC subject to furnishing of bail bonds in the sum of **Rs.80,000/- with one surety in the like amount**, subject to following conditions:-

- (i) The accused/applicant shall remain present before the Court on each and every date of hearing.
- (ii) The accused/applicant shall not influence the witnesses of

the prosecution nor shall try to intimidate or threaten the witnesses of the prosecution.

- (iii) The accused/applicant shall not leave India, without intimation and prior permission of the Court.
- (iv) The accused/applicant shall not commit similar kind of offence during the pendency of the present case.

Bail application stands disposed of accordingly. Personal bail bonds and surety bond not furnished. Papers be attached with the remand papers/main file.

Pronounced in the Court:

Dated:30.9.2022.

(Rajeev Kumar)

(Directly Dictated on Computer)

(Himanshi Galhotra)

Sub Divisional Judicial Magistrate,
Phagwara
(UID PB-0317)