

**IN THE COURT OF KAPIL DEV SINGLA, ADDITIONAL SESSIONS
JUDGE, BARNALA.**

B.A. No.207 of 2025

CNR No.PBBR01-000595-2025

Date of Institution : 14.02.2025

Date of Order : 21.02.2025

Swaranjit Singh, alias Guggi, son of Vijay Kumar, resident of Barnala.

.....Applicant

Versus

State

.....Respondent

FIR No.339 dated 27.07.2022,

Under Sections : 379B, 411, IPC

Police Station : City Barnala.

Present: Sh. P. S. Masouen, for the applicant-accused-Swaranjit Singh.

ORDER

Ms. Honey Garg, Additional Public Prosecutor, has put in appearance on behalf of the respondent-State.

2. Relevant judicial record is produced and is perused.

3. Heard on the bail application under Section 483, BNSS, 2023 moved by the applicant-accused-SwaranjitSingh through his counsel to seek regular bail from this Court.

4. Now, perusal of the judicial record reveals that the present FIR under Sections 379, 379B, 411, IPC was registered against the applicant-accused-Swaranjit Singh, alias Ghuggi and one Jaspreet Singh, alias Jass pursuant to an input received by Jagdev Singh ASI to the effect that Swaranjit Singh, alias Ghuggi (applicant-accused) and Jaspreet Singh, alias Jass, along with their associates, have formed a gang to commit thefts of motorcycles and the snatchings of mobile handsets. The Investigating Officer during the investigation arrested the accused-Swaranjit Singh, alias Ghuggi, Jaspreet Singh, alias Jass and recovered a stolen mobile handset, make-OPPO, and one stolen unnumbered motorcycle, model-Seplendor, from their possession. The applicant-accused-Swaranjit Singh, alias Ghuggi upon interrogation on dated 30.07.2022 suffered a disclosure statement under Section 27 of the Indian Evidence Act, 1872 and got one stolen Activa Scooter, bearing registration No.PB-29-S-0571, recovered from the disclosed place. One Amarjit Kumar during the investigation identified the two accused to be the two persons who on dated 16.06.2022 at about 09:00 A. M. snatched a mobile handset, make-OPPO, from him. The offence under Section 379, IPC was during the investigation dropped from the FIR. The Investigating Officer during the investigation verified the ownership of the recovered Activa scooter, bearing registration No.PB-29-C-0571, and the unnumbered motorcycle, model-Seplendor, from the Regional Transport Authority, Moga and the Regional Transport Authority, Jalandhar, respectively. The completion of the investigation was followed by submission of police report u/s 173(2) Cr.P.C. under Section 379B, 411, IPC

against the accused-Swaranjit Singh, Jaspreet Singh before the Court.

The applicant-accused was originally granted bail under Section 167(2) Cr. P. C., vide order dated 29.10.2022 passed by the Court of Smt. Sucheta Ashish Dev, the then Chief Judicial Magistrate, Barnala. However, the applicant-accused during the trial absented himself from the proceedings on dated 22.10.2024 and onwards. Vide order dated 07.11.2024 passed by the learned trial Court, the bail order in regard to the applicant-accused was cancelled and the personal bond and the surety bond cancelled and forfeited to the State. The applicant-accused was ordered to be summoned through warrant of arrest. In execution of the warrant of arrest, the applicant-accused was produced before the trial Court on dated 31.01.2025 and is in judicial custody since then to date.

The case is at present pending for recording the prosecution evidence.

5. The Hon'ble Apex Court of India in **Javed Gulam Nabi Shaikh v. State of Maharashtra : Law Finder Doc Id # 2608629** held as under:

“9. Over a period of time, the trial courts and the High Courts have forgotten a very well settled principle of law that bail is not to be withheld as a punishment.

10. In the aforesaid context, we may remind the trial courts and the High Courts of what came to be observed by this Court in *Gudikanti Narasimhulu & Ors. v. Public Prosecutor, High Court reported in (1978) 1 SCC 240*. We quote:

"What is often forgotten, and therefore warrants reminder, is the object to keep a person in judicial custody pending trial or

disposal of an appeal. Lord Russel, C.J., said [*R v. Rose, (1898) 18 Cox*] :

"I observe that in this case bail was refused for the prisoner. It cannot be too strongly impressed on the magistracy of the country that bail is not to be withheld as a punishment, but that the requirements as to bail are merely to secure the attendance of the prisoner at trial."

11. The same principle has been reiterated by this Court in *Gurbaksh Singh Sibba v. State of Punjab reported in (1980) 2 SCC 565* that the object of bail is to secure the attendance of the accused at the trial, that the proper test to be applied in the solution of the question whether bail should be granted or refused is whether it is probable that the party will appear to take his trial and that it is indisputable that bail is not to be withheld as a punishment."

6. In the light of the facts and the law exposited above, this Court comes to the conclusion that the applicant-accused deserves the benefit of regular bail. As such, I find merit in the instant bail application and it is allowed accordingly. As a result, the applicant-accused is hereby ordered to be enlarged on regular bail subject to his furnishing a personal bond in the sum of Rs.1,00,000/-, with one surety of the like amount, to the satisfaction of the Ilaqa Magistrate/ duty Magistrate, subject to the following conditions:-

- I) that he shall attend the Court on each and every date of hearing;
- II) that he shall not leave India without prior permission of the trial Court and;
- III) that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so

as to dissuade him from disclosing such facts to the Court.

7. As ordered by the Hon'ble Supreme Court of India in its order dated 31.01.2023 passed in the matter of **In Re Policy Strategy For Grant of Bail, SMWP (Criminal) No.4/2021**, the Ahlmad concerned is directed to send a soft copy of the bail order by e-mail to the accused through the Jail Superintendent concerned today itself or the next day.

8. Bail application file be annexed to the relevant record.

Pronounced in open Court on

21st day of February, 2025.

Gurdit Singh

JW Grade-II

(Kapil Dev Singla),
Addl. Sessions Judge,
Barnala
(UID No.PB0238)