

**IN THE COURT OF GIRISH, ADDITIONAL SESSIONS JUDGE,
SANGRUR.
UID NO.PB-00180.**

CIS No. BA No. 2073 of 17.06.2023.

CNR No.PBSG01-005611-2023.

Date of Decision: 13.07.2023.

Bikramjeet Singh aged 43 years son of Bant Singh, resident of Jakhepalwas, Jakhepal, P.S Dharamgarh, District Sangrur now confined in District Jail, Sangrur.

.....Accused / Applicant.

Versus

State.

.....Respondent.

F.I.R. No.120 dated 31.05.2023,
Under Sections 419 / 465 / 468 / 471 / 120-B of IPC,
Police Station City Sunam.

First application under Section 439 Cr.P.C for grant of regular bail

Present:- Sh. P.L.Bansal, Advocate, counsel for applicant
Sh. Navdeep Goyal, Additional Public Prosecutor for the
State.

ORDER :

1. This order of mine shall dispose off a regular bail application under Section 439 Cr.P.C filed on behalf of applicant, in the above noted FIR.
2. When notice of the bail application was issued, learned

Girish,
A.S.J., Sangrur,
UID No. PB-00180,
Dt. 13.07.2023.

Additional Public Prosecutor for the State put in appearance and contested the bail application. The police record produced and perused.

3. I have heard the learned counsel for the applicant, learned Additional Public Prosecutor for the State and have also gone through the record with their kind assistance.

4. From the record, it comes out to surface that present FIR has been registered at the behest of complainant Chamkaur Singh son of Labh Singh by moving a complaint to the police to the effect that he along with Gurlal Singh had moved an application under RTI before B.D.P.O, Sunam, regarding misappropriation of funds by Sarpanch of Gram Panchayat of their village. In the said application, complainant was summoned to appear on 09.11.2022 by the said office. That on that day, he could not appear before B.D.P.O, Sunam due to some domestic work. On 11.11.2022, he along-with Gurlal Singh appeared before said B.D.P.O and told him that they were ready to get their statements recorded, upon which, concerned officer told them that on 09.11.2022, Paramjit Kaur, Sarpanch and Nachhattar Singh had brought a person and they disclosed that said person was Chamkaur Singh son of Labh Singh and he was satisfied with the work of Gram Panchayat. They further disclosed that the said person wanted to withdraw his application. Thereafter, said person got recorded his statement before the said officer and signed it. That said Officer wrote the statement of said person, without getting any identification and got his signature, whereas, the said officer had no right

to do so without verifying the facts. Complainant further stated that there were CCTV cameras installed at B.D.P.O Office, Sunam and from the cameras, the person, who had withdrawn complaint of the complainant party and gave statement, could be identified. That Sarpanch Paramjit Kaur and Nachhattar Singh had produced some fake person, who impersonated the complainant for withdrawing the said complaint. Later on, the complainant got his signatures compared from Dr. Inderjit Singh, Handwriting and Fingerprints Expert, who opined that there was difference in the signatures. It is further in the allegations of complainant that Sarpanch and her husband Nachhattar Singh had committed the said offence. Complainant has further stated that Paramjit Kaur, Sarpanch and her husband misused the government funds and their RTI application was got fraudulently signed from someone for withdrawing the same. Upon these allegations, FIR was lodged.

5. Learned counsel for applicant has submitted that the applicant has been falsely implicated in the present case and is innocent. He submitted that co-accused has been released on regular bail vide order dated 10.07.2023. He submitted that applicant is in custody since 06.06.2023 and presentation of challan and conclusion of trial will take time. He submitted that no recovery is to be effected from applicant, Hence, prayed to grant concession of regular bail to the applicant.

6. On the other hand, learned Additional Public Prosecutor for the State has submitted that the applicant along-with co-

accused have committed grave offence and cheated the complainant. He submitted that presentation of challan and conclusion of trial will take time. He submitted that the applicant do not deserve any leniency in view of gravity of offence and prayed for dismissal of the bail application.

7. After hearing arguments, it is observed that criminal law was set into motion at the behest of complainant Chamkaur Singh on the allegations that Paramjit Kaur, Sarpanch and her husband misused the government funds and their RTI application was got fraudulently signed from someone for withdrawing the same. The present case is triable by the learned Judicial Magistrate Ist Class. The record reveals that applicant is in custody since 06.06.2023. However, the allegations raised against the applicant shall be taken into consideration only after appreciating of evidence, which is yet to be led. The applicant is no more required by the investigating agency for any further interrogation or recovery purposes. The presentation of challan and conclusion of trial shall take long time and no useful purpose would be served by detaining the applicant in custody for an indefinite period. Therefore, I deem this case fit, where the applicant is entitled to regular bail, Accordingly, the present regular bail application is allowed. The applicant is ordered to be released on bail on furnishing bail bonds in the sum of Rs. 30,000/- with one surety in the like amount to the satisfaction of learned Illaqa / Duty Magistrate subject to the following conditions:-

- i). that he shall not hinder the ongoing trial;
- ii). that he shall not leave the country without prior permission of the court;

- iii). that he shall not make any threat, promise or inducement to any person conversant with the facts of the case to dissuade him/her from disclosing the truth to the court or police.
- iv). that he shall not misuse the concession of bail, failing which, this order shall stand vacated automatically.

8. The observation made by the under-signed in the order, will have no bearing on the merits of the case.

9. In view of the order passed by Hon'ble Supreme Court bearing no. **SMWP (Criminal) No.4/2021** titled as **In Re Policy Strategy for grant of bail versus Mr. Gaurav Aggarwal, Advocate is Amicus Curiae** conveyed vide endorsement no.2619/EB dated 18.03.2023 by the learned District and Sessions Judge, Ahlmad is directed to send the copy of same to the under trial prisoners through Superintendent Jail.

Police record be returned. The bail application be consigned to the record room.

Pronounced in open Court.
Dated: 13.07.2023.

Girish,
Addl. Sessions Judge,
Sangrur, UID No.PB.00180.

Veena Saluja,
Stenographer Gr.I.

(Directly Dictated)

