

**IN THE COURT OF VIKRANT KUMAR,
ADDITIONAL SESSIONS JUDGE,
MOGA (UID No.PB00213).**

CNR No.PBMO010061422021

CIS Filing No.BA/2365/2021.

Date of order : 15.11.2021.

State	Versus	Sandeep Singh son of Gurmail Singh, resident of Hakam Ka Agwar, Old Ghal Kalan Road, Moga, Tehsil and District Moga.
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----Applicant-accused

FIR No.91 dated 16.05.2011.

Under Sections : 457,380 IPC.

(Section 411 added lateron)

Police Station : City South, Moga

2nd bail application under Section 439 Cr.P.C

Present:- Shri Anshuman Syal, Additional Public Prosecutor for State.
Shri Lovelesh Gupta, Advocate for applicant-accused Sandeep Singh.

ORDER

1. The brief facts of the case, which require consideration for disposal of the present bail application are that present FIR has been lodged on the basis of statement of Ashok Kumar Bansal that on 13.05.2021 at about 2.00 p.m., he along with his wife Mamta Bansal and son Kashish Bansal had gone to Mohali to attend marriage of his near relative. On 14.05.2021, his neighbour Sanjeev Sood had informed him through mobile phone that locks of his house are lying broken. At this, he along with his family returned his house and found household articles lying scattered. On checking, seven tolas of gold ornaments, cash amount of Rs.1,22,000/-, 7,200 Canadian Dollars, 2,200 US Dollars along with important documents were found missing from the house. Hence, second bail application.

2. I have heard the learned counsel for the applicant-accused as well as learned Additional Public Prosecutor for the State.

3. Undisputedly, FIR has been registered against unknown persons. Accused-applicant is in custody since 16.05.2021. Recovery of currency of Rs.90,000/-, 7,200 Canadian Dollars, 2,200 US Dollars, two gold pairs of ear rings, three rings, two bangles, one pendent set and four cheques having signatures of Surbi Bansal have already been effected. It has been pleaded that since star witness i.e. complainant Ashok Kumar Bansal has already been examined, so no useful purpose will be served by detaining the applicant-accused behind the bar. Perusal of learned trial court file reveals that cross-examination of Investigating Officer i.e. PW-4 ASI Sikander Singh still remains to be completed. Besides this, five more prosecution witnesses remained to be examined. Thus, his chances to influence the witnesses still looms. Perusal of judicial file further transpires that two more FIRs bearing No.11/2017 under NDPS Act at Police Station Baghapurana and FIR No.38/2019 under Sections 379-B IPC at Police Station City Soutu, Moga are lying lodged against applicant-accused. Said incident has created a panic in the area and is also a threat to maintenance of law and order. A heinous offence stands committed. In case applicant-accused is released on bail then prosecution apprehends that he will flee from the clutches of law. Thus, applicant-accused being in custody, is not thus sole ground for considering merit of this bail application. Considering heinousness of offence and other attending circumstances, present second bail application is found being devoid of merit and stands dismissed.

Pronounced.

Dated :- 15.11.2021.

Jagjit Singh Panesar, Stenographer-I

(Vikrant Kumar)

**Additional Sessions Judge
Moga (UID No.PB00213).**