

ARUNDEEP SINGH VS STATE OF PUNJAB etc.

FIR No.109 dated 23.6.2017

Under Section 436,379 IPC

PS Mukerian, Hoshiarpur.

Present: Sh. Varun Sharma, Advocate for the applicant.
Sh. TS Grewal, Addl. PP for state.

ORDER

1. Heard. This order shall dispose of an application under section 439 Cr.P.C moved by the accused/applicants Arundeeep Singh aged 22 years, son of Darshan Singh, Maan Singh aged 21 years, son of Darshan Singh, Veena Devi @ Reena aged 45 years, wife of Darshan Singh, Kamlesh aged 32 years, d/o Gobind Dass and Jaswant Kaur aged 45 years, wife of Parshotam Lal, all residents of village Kalu Chang, PS Mukerian, District Hoshiarpur.

2. The allegations against the applicants/accused are that on 4.4.2017, the applicants alongwith Darshan Singh, Parshotam Lal, Balbir Singh, Satpal, Onkar Singh, Satdev, Krishana Devi, Kamlesh, Gobind Dass, Jaswant Kaur, Veena Devi, Arundeeep Singh and Maan Singh illegally harvested the sugarcane crop of Mohinder Singh from his agricultural land and even stolen the same and further that some of the sugarcane crop even was put on fire and destroyed thus as well.

3. Counsel for the applicants/accused have submitted that accused are in custody since 9.2.2019 and nothing is to be recovered from them and even the parties have compromised as well and moved for quashing of the FIR in the Hon'ble High Court.

4. On the other hand, Learned APP for the Stated has vehemently opposed the bail application.

5. I have considered the submissions of the parties. The record shows that earlier during investigation of accused Balbir Singh and Parshotam Lal were apprehended and process to procure the presence of remaining accused was initiated and finally they were declared Proclaimed Persons vide order dated 29.1.2019 and thereafter, the applicants/accused were

apprehended and are coming in custody since 9.2.2019. Apparently, without commenting much on the merits on the case, the allegations pertain to destroying of sugarcane crop by fire which does not make out offence under section 436 IPC. Even the co-accused namely Balbir Singh and Parshotam Lal were even granted the concession of regular bail as well. The applicants/accused have not misused the concession of bail. The challan has been presented and will take sufficient time for its disposal. No fruitful purpose is going to be served by detaining the accused further behind bar for in an indefinite period. Hence, the application moved by accused/applicants are allowed and the applicants/ accused are ordered to be released on bail on his furnishing personal bonds in the sum of Rs.1,00,000/- with one surety in the like amount to the satisfaction of Illaqa/ Duty Magistrate, subject to the conditions that they will appear in the court on each and every date of hearing, shall not tamper with evidence of prosecution and shall not leave country without prior permission of the court. File of bail application be attached with the main challan.

Pronounced in the open court.

Date of Order:27-02- 2019

Deepika, Stenographer

(Parminder Singh Rai)

Additional Sessions Judge, Hoshiarpur

UID NO . PB0175