

PBTT010038642023



Presented on : 05-07-2023
Registered on : 06-07-2023
Decided on : 10-07-2023
Duration : 0 years, 0 months, 5 days

**IN THE COURT OF PRASHANT VERMA
ADDITIONAL SESSIONS JUDGE, TARN TARAN
(UID No. PB0236)**

**Bail Application No. 1899 of 2023
Date of Order : 10.07.2023**

Gurwinder Singh aged about 34 years son of Kabal Singh, resident of village Maluwal, Tehsil and Distt. Amritsar.

.....Accused/applicant

Versus

State of Punjab.

(First Bail application under Section 439 Cr.P.C.)

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FIR No. 242 dated 10.11.2022, under Sections 379-B(2)/379-B/201 of Indian Penal Code (hereinafter referred to as IPC) and 25 of Arms Act, registered at Police Station City TarnTaran.

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Present : Shri HS Sandhawalia, Advocate, learned counsel for the applicant/accused.
Shri Ravinder Singh Chandi, learned Additional Public Prosecutor for the State.

ORDER

1. This order shall decide the application for bail under Section 439 of Code of Criminal Procedure (hereinafter referred to as Cr.P.C) in afore referred FIR.
2. Notice of the application was issued to the State and pending record was also perused. Ahlmad had reported that according to the information available in

the CIS system, no other bail application relating to this case is pending or decided by any Superior Court.

ABSTRACT OF FIR/PROSECUTION STORY:

3. The present FIR was registered on the statement of complainant Sukiriti Passi recorded on 10.11.2022. The very pith of the version of the complainant being that on 10.11.2022, she had parked her scooter outside her house at about 5:00 pm after having fetched her children from tuition when two unknown assailants, motor cycle borne, with muffled faces, accosted her and tried to snatch her gold chain. When she resisted, the assailant pointed a pistol towards her and after snatching her gold chain, they fled away. Initially, co-accused Jaswant Singh was arrested on 08.02.2023 and on his disclosure statement accused applicant was arrested on 19.04.2023 on production warrants.

STAGE OF PROCEEDINGS/TRIAL

4 Challan has been filed and charge is yet to be framed.

ARGUMENTS RAISED BY LEARNED COUNSEL FOR APPLICANT/ACCUSED:

5. Contention of learned counsel for the applicant/accused is that the applicant/accused is innocent and has been falsely implicated in this case. Besides that the accused applicant was also suffering from medical condition and had been undergoing treatment due to heart ailment.

ARGUMENTS OF LEARNED ADDL. PUBLIC PROSECUTOR

6. Contention of learned Additional Public Prosecutor is that allegations against the accused are serious in nature. Therefore, applicant/accused is not entitled for grant of regular bail and prayed for dismissal of the bail application.

GUIDING PARAMETERS

Prahlad Singh Bhati v. N.C.T., Delhi, (SC) : Law Finder Doc Id #

11452, 2001(5) BCR 727 : 2001(2) R.C.R.(Criminal) 377; *State through C.B.I. v.*

Amaramani Tripathi, (SC) : Law Finder Doc Id # 85804,2005(34) AIC 1 : 2005(4)

R.C.R.(Criminal) 280;

(i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the charge; (iii) severity of the punishment in the event of conviction; (iv) danger of accused absconding or fleeing if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being tampered with; and (viii) danger, of course, of justice being thwarted by grant of bail

DISCUSSION:

7. Examination of the case file reveals that the accused/applicant is already in custody since 19.04.2023. No recovery of stolen property had been effected from the accused applicant. The copy of the record of the medical treatment of the accused applicant had been also placed upon the file. Besides that the culpability of the accused/applicant is yet to be established on the culmination of the trial . He is of young age and his future is at stake. Conclusion of trial will take its own time. His detention in judicial lock-up for more period shall be a burden on State exchequer.

CONCLUSION:

8. In view of above discussion and without commenting on merits of the case, the present application is **allowed**. The applicant/ accused is ordered to be released on bail subject to furnishing of his bail bonds in the sum of **Rs.50,000/-** with one surety of the like amount, subject to the conditions that :

1. the applicant-accused shall not, directly or indirectly, made any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court to any police officer;
2. the accused-applicant shall not leave India without the previous permission of the Court, including the trial Court.
3. the accused- applicant shall attend the proceedings in accordance with the

conditions of the bonds so executed under Chapter XXXIII of Cr.P.C.

4. the accused- applicant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected;
5. the accused-applicant shall not tamper with the evidence by any means;
6. the accused-applicant shall appear before the trial court on each date of hearing unless his personal appearance is exempted.

Bail application file be attached with the main file.

Pronounced in open court

Dated: 10.07.2023

**Prashant Verma,
Additional Sessions Judge
Tarn Taran/UID-PB0236**

Typed by (Steno)