

**IN THE COURT OF SHRI PUSHVINDER SINGH, UID No.PB0116 ,
ADDITIONAL SESSIONS JUDGE, AMRITSAR,**

BAIL APPLICATION NO. : 1817 of 2019
CNR NO. : PBAS01-010831-2019
DATE OF INSTITUTION : 03.04.2019
DATE OF ORDER : 12.04.2019

STATE Vs Babbu son of Late Makhan Singh, Caste Majbi, resident
of Gali No.12/13, Maqboolpura, Mehta Road, Amritsar
APPLICANT-ACCUSED

FIRST INFORMATION : 155 of dated 17.12.2018
REPORT NO.

UNDER SECTIONS : 457/380 IPC
POLICE STATION : Maqboolpura, Amritsar

Ist Bail application under section 439 Cr.P.C for the grant of
regular bail.

Present:- Sh. Gurmeet Singh Mann, counsel for applicant-accused.
Sh. Onkardeep Singh Malhi, Addl.P.P. for the State.

ORDER

1. This order of mine shall dispose off present above-mentioned bail application under section 439 Cr.P.C filed by applicant-accused Babbu, aforesaid, for the grant of regular bail in the above-mentioned FIR.
2. Notice of bail application was issued to the State and upon notice, learned Addl.P.P appeared on behalf of the State and contested the bail application. Trial Court record has also been requisitioned.
3. Learned counsel for the applicant-accused has argued that the

applicant-accused is innocent and he has been falsely implicated in the present case. No offence is made out against the applicant-accused. Name of applicant is not mentioned in the FIR. There is no evidence to connect the applicant-accused with the alleged offences. Presentation of challan and conclusion of trial is likely to take sufficient time. No useful purpose would be served by detaining the applicant-accused behind the bars for indefinite period. Therefore, the present bail application must be allowed and the applicant-accused must be granted regular bail.

4. On the other hand, learned Additional Public Prosecutor for the State opposed the bail application and argued that there are specific allegations against the applicants-accused. The offence is serious in nature. Therefore, present bail application must be dismissed.

5. From the perusal of file of trial Court I find that FIR in this case was registered on the basis of statement made by Hari Mohan against unknown persons. However, during the investigation accused Harjinder Singh alias Boondi and Vikramjit Singh alias Vicky were arrested on 20.12.2018. Co-accused Vikramjit Singh alias Vicky made disclosure statement that he sold four bottles of VAT 69 to present applicant Babbu son of Makhan Singh. Thus the present applicant was implicated and was arrested on 03.01.2019 and his disclosure statement has also been recorded by the Police vide which he stated that four bottles of VAT 69 were purchased by him from Vikramjit Singh alias Vicky, which have been got recovered by Vikramjit Singh alias Vicky from his(Babbu) house. The applicant has alleged false implication. He is in custody from 03.01.2019 i.e. from the date of his arrest. The recovery of four bottles of VAT 69 has

already been effected. Accordingly I find that without proving the guilt, the applicant-accused should not be detained in Jail for unlimited period because conclusion of trial may take sufficient long time. Even otherwise no useful purpose will be served by detaining the applicant-accused behind bars for indefinite period without proving his guilt. Accordingly, the application under consideration is allowed and the applicant-accused is ordered to be released on bail on his furnishing personal bail bond in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of learned Trial Court/Duty Magistrate. Trial Court record be returned alongwith copy of this order, for compliance. File of present bail application be consigned to the record room.

PRONOUNCED IN OPEN COURT.

DATED : 12.04.2019

***(PUSHVINDER SINGH)
ADDITIONAL SESSIONS JUDGE,
AMRITSAR
UID No.PB0116***

Naresh Kumar
Stenographer(Grade-II)