

IN THE COURT OF DR RAM KUMAR SINGLA,
UID No. PB-0122,
ADDITIONAL SESSIONS JUDGE,
KAPURTHALA.

CNR No. PBKP010046602021



Case No. BA/1903/2021

Presented on : 15-09-2021

Registered on : 16-09-2021

Decided on : 21-09-2021

Honey Hans @ Pali, s/o Satpal, aged about 30 years, r/o Gali No.6, Near Kanda Estate, Partap Singh Wala, Habra Road, Punjab Agriculture University, Ludhiana.

.... Applicant/ Accused.

Versus

State of Punjab

.... Respondent.

FIR No.81 of 18.07.2021,
Under Section 379-B of Indian Penal Code and
25/ 27 of Arms Act, 1959,
P.S. - Sadar Phagwara, District Kapurthala.

Application for regular bail under Section 439 Cr.P.C.

Present: Sh.T.S.Sharma, Advocate for the applicant/accused.

Ms.Meeto Sheanhmar, Additional PP for the State.

O R D E R

Record perused. **Arguments have been heard** on regular bail of above referred applicant/ accused Honey Hans @ Pali in the aforesaid FIR No.81 of 18.07.2021, who is in custody since 18.07.2021.

2. Briefly, the facts and circumstances necessary to be detailed herein for disposal of the present bail application are that the present case

was registered on 18.07.2021 on the basis of secret information that the applicant/ accused along with non applicants Rajinder Kumar @ Ricky Bedi and Arshad Sulemani while armed with deadly weapons like pistol were here and there in the area of Goshpur, Police Station Sadar Phagwara to rob the innocent persons. In consequent to that information on registration of FIR on the basis of *Ruqa, Nakabandi* was got installed in the area of Khalwara Chowk, whereby the said three persons were apprehended coming on a scooter. Their personal search was got conducted. The personal search of applicant/ accused Honey Hans @ Pali and non applicant Arshad Sulemani led nothing to be recovered any such objectionable article from them, whereas the personal search of non applicant Rajinder Kumar @ Ricky led to the recovery of 32 bore pistol with him and on unloading of the same one live cartridge was recovered its chamber, whereas one empty magazine was recovered from his right pocket of his trouser. However, their disclosure statements came on record to have two pistols of 32 bore with them, which were concealed by them at some undisclosed place and they can get recover of that pistol, but police record is not reflecting any such recovery of pistols as per their alleged disclosure statements. Now, the present applicant/ accused Honey Hans @ Pali is in custody since 18.07.2021. Aggrieved from that, the applicant/ accused has preferred his regular bail.

3. The learned counsel for the applicant has argued that the applicant has been falsely implicated in the present case. The sufficient period of his custody has already been passed to the alleged recovery. Co-accused are already on regular bail. Presentation of challan and conclusion of trial will take long time. He could not be detained for indefinite period.

Therefore, he is entitled to the concession of regular bail.

4. On the other hand, learned Additional PP for the State has argued that there are serious allegations against the applicant / accused and his associates in the present case. Accordingly, the applicant/ accused is not found deserving the concession of regular bail.

5. **Having heard to their rival contentions** and have gone through the file and in reference to the above detailed facts and circumstances on record, to the entire episode of crime, sufficient period of his custody has already been passed to the aforesaid allegations against him, but nothing has been got recovered from him to that allegations of having weapon of offence, etc. or committing the crime of robbery or snatching, etc. The co-accused are already on regular bail. The challan is yet to be presented, it is obvious that conclusion of trial will take long time. The applicant/ accused could not be detained for indefinite period, as he is already in custody since 18.07.2021. Consequently, he is found deserving the concession of regular bail.

6. Thus, without commenting on the merits of the case, the present regular bail application of the applicant/ accused is hereby allowed with the intimation to the concerned quarter and with the directions to furnish the bail bonds & surety bonds to the satisfaction of the learned Trial Court / Area Magistrate / Duty Magistrate. This bail application file be consigned to the judicial record room.

Pronounced in open Court.
Dated: 21.09.2021
Kaushal

(Directly dictated on computer)

(Dr Ram Kumar Singla)
Addl.Sessions Judge,
Kapurthala.
UID No.PB0122