

**THE COURT OF PARMINDER SINGH RAI
ADDITIONAL SESSIONS JUDGE, GURDASPUR
(DUTY JUDGE)**

CIS No. BA/1914/2022
CNR No. PBGD01-004355-2022
Date of Decision: 29/06/2022

Love son of Rajinder Kumar, resident of Onkar Nagar, Gurdaspur,
Tehsil and District Gurdaspur.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

FIR No. 136 dated 11/06/2022,
U/Ss 379-B, 201, 34 IPC
Police Station: City, Gurdaspur.

Application for bail under Section 438 Cr.P.C.

Present: Sh. Pankaj Tiwari, Advocate, counsel for petitioner.
Sh. Hardeep Kumar, Ld. Addl. P.P for the State.

ORDER

Bail application put up before the undersigned being Judge
on Duty.

2. Present petition has been filed by petitioner seeking pre-arrest bail under Section 438 of Cr.P.C. for the alleged commission of offences as mentioned above.

3. Upon notice, learned Additional P.P put in appearance on behalf of respondent-State and contested the bail application.

4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in the present case on the basis of disclosure statement of Ajay Maish and Sagar Masih. No specific

role has been attributed to him. Petitioner is ready to join the investigation and to cooperate in the same, so he may be admitted to pre-arrest bail.

5. On the other hand, the learned Addl. P.P has opposed the bail application contending that the allegations against the accused-applicant are serious in nature and custodial interrogation of accused-applicant is required, as such, the present bail application is liable to be dismissed.

6. I have considered the rival contentions of learned counsel for the petitioner as well as learned Additional Public Prosecutor and perused the record.

7. As per contents of the FIR, which was so registered on the statement of one Nikhil Malhotra that he is photographer and on 07.06.2022, he was going on motorcycle bearing No. PB-CH-01-AJ-7408 from his home towards Dhaba for eating food. At about 9:00 p.m, when he reached near Market G.T. Road, Pathankot Road, two young boys came and they pushed him. He fell down on the ground. They snatched Rs. 7000/- from his purse alongwith one Aadhar card and mobile phone make ONE PLUS 9 PRO. Later on he came to know the name of accused persons as Ajay Masih and Sagar Masih. On coming to know the mother of accused persons came at his house and they confessed their guilts and on 09.06.2022, accused Ajay Masih returned his mobile phone but he broke the SIM cards. Accused refused to disclose about the ATM card and money.

8. As per the allegations only it was one Ajay Masih and Sagar Masih, who had committed alleged occurrence of snatching of mobile phone and purse and even complainant was in talks with them only for compromise and even the mobile was also returned to the complainant by those two only. The applicant was not named in the FIR by the complainant as the assailants or even to be any accomplice of accused. He has been just named on the basis of disclosure statement of accused. So in such circumstances, it would be in larger interest of justice and investigation and even in the fitness of things as well that accused applicant be directed to join the investigation. As such, applicant is hereby ordered to join the investigation before the investigating officer on or before 04.07.2022, subject to the following conditions that:-

- (1) He shall join the investigation as and when asked by the investigating officer,
- (2) He shall cooperate with investigation in the matter of present case and further subject to the fulfillment of Section 438(2) Cr.P.C

For report and consideration to come upon 11.07.2022. Bail application file be put up before the learned Sessions Judge, Gurdaspur on the date fixed for entrustment purpose.

Pronounced
Dated:29/06/2022.
Gurpreet Singh, Stenographer-II

(Parminder Singh Rai)
Addl. Sessions Judge,
Gurdaspur/Duty Judge

Present: Sh. Pankaj Tiwari, Advocate, counsel for petitioner.
Sh. Hardeep Kumar, Ld. Addl. P.P for the State.

Bail application put up before the undersigned being Judge on Duty. Police record produced. Arguments heard. Vide my separate detailed order of even date, petitioner has been granted interim bail as per the conditions referred therein. For report and consideration to come upon 11.07.2022. Bail application file be put up before the learned Sessions Judge, Gurdaspur on the date fixed for entrustment purpose.

Pronounced
Dated:29/06/2022.
Gurpreet Singh, Stenographer-II

(Parminder Singh Rai)
Addl. Sessions Judge,
Gurdaspur/Duty Judge