

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

CNR No. PBKP010055642021



Case No. BA/2323/2021

Presented on : 12-11-2021

Registered on : 15-11-2021

Decided on : 18-11-2021

Himanshu, s/o Sukh Nandan Kumar, aged about 28 years, r/o Village Talwandi Chaudhrian, Tehsil Sultanpur Lodhi, District Kapurthala.

.... Applicant/ Accused.

Versus

State of Punjab

.... Respondent.

FIR No.240 of 25.08.2021,

Under Sections 379-B, 411 of Indian Penal Code,

P.S. Sultanpur Lodhi, District Kapurthala.

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

Present: Sh.M.S.Teji, Advocate for the applicant/accused.

Sh.Amandeep Singh, Additional PP for the State.

O R D E R

Case record has been received and perused. **Arguments have been heard** on regular bail of above referred applicant/ accused Himanshu in the aforesaid FIR No.240 of 25.08.2021, who is in custody since 27.08.2021.

2. Briefly, the prosecution allegations necessary to be detailed herein for disposal of the present regular bail application are that on the basis of written complaint made by complainant Harbhajan Singh, the present FIR was registered with the allegations of snatching of cash of Rs.10,000/- and

one mobile phone set make Vivo with SIM Card by three unknown motorcyclists while showing him sickle on 18.08.2021 at about 08.00 PM in the area of Village Maseeta, Police Station Sultanpur Lodhi, District Kapurthala.

3. Thereafter, accused persons Himanshu and Gurwinder Singh were apprehended with intoxicants and FIR No.241 of 26.08.2021, under section 22 of NDPS, Police Station Sultanpur Lodhi, District Kapurthwa was registered against them. During interrogation in that case, they confessed the commission of snatching from the complainant of the present FIR. Accordingly, they were arrested in the present FIR on 27.08.2021. Afterwards, on 27.08.2021, accused Baljinder Singh @ Billa was also apprehended in the present case. Thereafter, on the basis of disclosure statements of accused persons, snatched mobile phone, weapon of offence i.e. sickle and vehicle of offence i.e. motorcycle bearing registration No.PB-09-AB-2035 were recovered in the present case with the addition of section 411 of Indian Penal Code. Apart from that recovery of snatched / stolen articles from them, they also made an attempt to destroy the evidence of that snatching by concealing their identity. Now, the applicant/ accused Himanshu is in custody since 27.08.2021. Aggrieved therefrom, the present applicant/ accused has sought his regular bail.

4. The learned counsel for the applicant has argued that the applicant has been falsely implicated in the present case. The FIR was registered against some unknown person. The sufficient period of his custody has already been passed. The challan has been presented, however, conclusion of trial will take a long time. He could not be detained for indefinite period. Therefore, he is

entitled to the concession of regular bail.

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

6. **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 custody of applicant/ accused has already been passed as he is in custody in this case since 27.08.2021 till date i.e. 18.11.2021. The recovery of alleged snatched mobile phone and weapon of offence i.e. sickle along with vehicle i.e. motorcycle used to commit that crime stands already effected. The challan in the present case has already been presented, however, conclusion of trial will take long time. So, considering as a whole to that allegations and status of the trial, the applicant/ accused could not be detained for indefinite period. Consequently, he is found deserving the concession of regular bail.

7. Thus, the present regular bail application of the applicant/ accused is hereby allowed, subject to furnish the bail bonds & surety bonds to the tune of Rs.50,000/- with one surety in the like amount and also to the satisfaction of this Court. This bail application be appended with the main case file of present FIR, which is fixed for 02.12.2021 of this Court.

Pronounced in open Court.
Dated: 18.11.2021
Kaushal

(Directly dictated on computer)

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