

**In the Court of Dr Ram Kumar Singla,
Additional District and Sessions Judge-II, Kapurthala**

CNR No. PBKP010036352020



Case No. BA/1788/2020

Presented on : 08-09-2020

Registered on : 09-09-2020

Decided on : 11-09-2020

Sikandar @ Davinder @ Davinder Singh, s/o Bhajan Singh @ Bhajji, aged about 29 years, r/o H. No.344/16, Mohalla Mehtabgarh, Kapurthala.

.... Applicant/ Accused.

Versus

State of Punjab

.... Respondent.

FIR No.203 of 24.06.2020,

Under Sections 457, 380 of Indian Penal Code,

P.S. City, Kapurthala.

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

Present: Sh. Vipin Sabharwal, Advocate for the applicant/accused.

Sh. Arvind Sahai, Additional PP for the State.

O R D E R

The present bail application has been entertained being an urgent hearing while performing duty in the period of closure of courts because of pandemic Covid-19.

2. Record perused. **Arguments have been heard** on regular bail of above referred applicant/ accused Sikandar @ Davinder @ Davinder Singh in the aforesaid FIR No.203 of 24.06.2020, who is in custody since 04.08.2020.

3. Briefly, the facts and circumstances on record necessary to be

detailed herein for disposal of present regular bail application of the present applicant/accused are that the present case was registered at the instance of Paramjot Singh (hereinafter called as complainant) with the version that he is running a liquor shop with the name style of Hansraj & Sons, which is a partnership firm. On 23.06.2020, he was present at his liquor shop at Sundar Nagar along with his worker Lucky Sharma. Then after checking the stock and cash of Rs.11,900/- by said Lucky Sharma, they went to their houses after closing the shop by properly locking the cash box, grill, shutter etc.. Afterwards, on the next morning i.e. on 24.06.2020 at about 08.00 AM, when they arrived at the shop, they found missing 05 boxes of liquor make Cash, 02 boxes of Mcdowell, 27 boxes of First Choice and the cash of Rs.11,900/- from the cash box.

4. Initially, the complainant was searching the accused of the aforesaid theft by himself, but later on, he came to know that the aforesaid theft was committed by one Sikandar @ Davinder along with his other associates. Thereafter, the present applicant along with his associates i.e. Pardeep Kumar and Baljit Singh was arrested in the present case on 04.08.2020. They all the three in the investigation proceedings from them, they jointly got effected the recovery of 81 bottles of liquor out of that stolen liquor as per their disclosure statements. Now, the applicant is in custody since 04.08.2020 in the present case. Aggrieved therefrom, the present applicant/ accused has sought his regular bail.

5. The learned counsel for the applicant/accused has argued that the applicant/ accused has been falsely implicated in the present case. However, sufficient period of his custody has already been passed. The

presentation of challan and 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.

6. On the other hand, learned Additional PP for the State has argued that the gravity of offence does not warrant the concession of regular bail to the applicant/accused. He is professional to commit such like offences. Investigation is still under progress. Therefore, applicant is not deserving the concession of regular bail to him, so, his present bail application is liable to be dismissed.

7. **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, but without commenting on the merits of the case that though the FIR was registered against the applicant and some unknown persons, but the custodial interrogation of present applicant and his co-accused has already been ended, and applicant is in judicial custody since 04.08.2020. The sufficient period of his custody has already been passed. To be involved by the applicant in any other offence is no ground to decline his present regular bail application. The presentation of challan and conclusion of trial will take long time. The applicant/accused could not be detained for indefinite period. Consequently, he is found deserving the concession of regular bail.

8. 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

Sikandar @ Davinder @ Davinder Singh
Vs.
State of Punjab

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UID No.PB0122

Magistrate / Duty Magistrate. This bail application file be consigned to the
judicial record room.

Pronounced in open Court.
Dated: 11.09.2020
Kaushal

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

(Directly dictated on computer)