

RAJVIR SINGH VS STATE OF PUNJAB etc.

Present: Sh. A K Rattu Advocate for the applicant/ accused.
Sh. Sachin Azad, Addl. PP for the State.

1. Heard on second bail application filed under section 439 Cr.pc by applicant/accused Rajvir Singh son of Balwinder Singh in FIR No. 107 dated 25.10.2019 under section 379-B/511/34 IPC PS Nakodar City.

2. On 25.10.2019, Sandeep Grover complainant made statement to the police to the effect that he is serving at SS(HP) Filling station, Malsian Road, Nakodar. On 23.10.2019 he and Hans Raj were present at the Petrol Pump. At about 8.45 PM, three persons with covered faces came on motorcycle bearing number PB08 CT 6496 . The person driving the motorcycle asked him for filling patrol of ₹ 500/- in the motorcycle. He accordingly filled the same and asked for the amount, who signaled that the second person will pay. Thereafter two, out of them came near him and threatened him to give whatever I had. He told them he is not having any amount. Person with black parna took out a datar and tried to hit him . He scuffled with them and raised rroula. Hans Raj and other persons at the patrol pump came there. They ran away . Mobile phone of one of them fell on the spot. Action be taken. On the basis of this statement, FIR was registered. During the course of investigation, applicant/accused Rajbir Singh and two juveniles were identified to be the assailants and they were booked in this case.

3. Sh. AK Rattu Advocate has argued that applicant/accused is innocent. He is not named in the FIR . He did not commit the alleged offence. Complainant and eye witness have also stated accordingly , while deposing in the court. He should be granted bail.

4. On the other hand, Ld. APP for the state opposed the bail application and has argued for dismissal of the same.

5. I have considered the respective submissions and have gone through the police record.

6. First bail application filed by the applicant/accused was dismissed vide order dated 12.12.2019 by the court of Ms. Ranjit Kaur, ASJ Jalandhar before whom the case was pending at that time. Thereafter, the case was received in this court by way of transfer. Complainant Sandeep Grover and eye witness Hans Raj appeared as prosecution witnesses on 20.02.2020 and 13.03.2020 and categorically stated that accused Rajvir Singh is not the person , who was involved in the crime. There is no other eye witness of the occurrence, cited in the list of witnesses. Only some formal witnesses are now to be examined. Due to prevailing circumstances on account of Covid-19, trial of the case may not proceed speedily and the remaining witnesses may not be examined in near future. However, considering the fact that after the dismissal of the earlier bail application, both the material witnesses have not supported the case of the prosecution and categorically stated that applicant/accused is not person who was involved in the commission of the crime and finding that conclusion of trial may still take time and no useful purpose will be

served by further detaining the accused in custody, applicant/accused Rajvir Singh is admitted to bail on furnishing personal bonds in the sum of ₹ 50,000/- with one surety in the like amount. As per the request of Id counsel for the accused and considering the prevailing circumstances regarding pandemic Covid- 19, applicant/accused is ordered to be released on his furnishing personal bonds in the sum of ₹ 50,000/- before the Superintendent, Central Jail, kapurthala. Accused will furnish personal bonds/surety bonds before this court, when the situation turns normal. Bail application is accordingly allowed. Copy be sent to Superintendent, Central Jail, Kapurthala. The papers be attached with the main challan.

Date of Order: 25.05.2020
*Dimple khosla**

(Khem Karan Goyal)
Addl.District and Sessions Judge-IV
UID NO . PB00117