

**In the court of Mrs.Anjana, Addl. Sessions Judge,
Ludhiana.**

Bail Application No.100 of 2018

Date of institution: 07.03.2018

CIS No. BA/1810/2018

CNR No.PHLD010049942018

Date of Decision: 28.03.2018

State	Versus	Vikas Chhabra son of Sh.Raj Kumar Chhabra, resident of house No.10/719, Street No.2, Inder Vihar Colony, Bahadurke Road, near Kaint Property Dealer District Ludhiana.
		Applicant

FIR No.81 of 19.08.2016
U/ss.186, 332, 353, 323, 283, 34 IPC, 12, 8 of P.C.
Act, 13-A, 3, 67 of Gambling Act.
P.S. Division No.1, Ludhiana.

(First bail application u/s.439 Cr.P.C.)

Present: Shri Kanwaljit Singh, Advocate, for applicant.
Shri Dinesh Kumar, Addl.P.P. for the State .

ORDER

This order of mine shall dispose of present application for regular bail filed by above referred applicant under section 439 Cr.P.C. in a case registered vide FIR No.81 of 19.08.2016, U/ss.186, 332, 353, 323, 283, 34 IPC, 12, 8 of P.C. ,Act, 13-A, 3, 67 of Gambling Act ,P.S. Division No.1, Ludhiana.

2. In pursuance of notice of bail application having been issued, learned Addl.P.P. for the State Shri Dinesh Kumar

has appeared on behalf of the State to contest this bail application.

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Police record has been received and perused.

3. Learned counsel for the accused/applicant vehemently contended that the accused/applicant is a law abiding citizen of India and had never been indulged in any type of nefarious activities so far in his life time. Earlier the applicant was arrested by the Police on 23.10.2016 and he was released on bail. Thereafter he moved an application for release of articles but IO of this case ASI Jaswinder Singh misbehaved with the applicant regarding which the applicant moved applications against him and inquiry was got conducted by the court of Sh.Varinder Kumar,JMIC Ldh..Due to this fact ASI Jaswinder Singh became inimical towards the applicant and got implicated him in various false and frivolous cases. The accused was totally innocent and he has been falsely implicated in this case by police. Nothing has been got recovered from the applicant. The presentation of challan and conclusion of trial shall take sufficient time and as such no useful purpose would be served to keep the applicant behind the bars. The accused/applicant is ready to abide by the terms and conditions imposed by this court. Lastly, prayer has been made for acceptance of the bail application.

4. On the other hand, learned Addl.P.P. for the State vehemently opposed the contentions raised by the learned counsel for accused/applicant. He argued that, due to gravity

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and seriousness of offence, present accused/applicant does not deserve the concession of bail. Lastly, prayer has been made for dismissal of bail application.

5. After giving my careful and thoughtful consideration to the rival contentions and on careful perusal of averments of application, contents of FIR coupled with the duly assistance rendered, the Court is of the considered view that present bail application merits acceptance. Perusal of record reveals that present FIR No.81 dated 19.08.2016 under sections 186, 332, 353, 323, 283, 34 IPC, 12, 8 of P.C. Act, 13-A, 3, 67 of Gambling Act, P.S. Division No.1, Ludhiana was registered on the statement of ASI Varinder Pal on the allegations that on 19.08.2016 at about 11.00 A.M. all the accused obstructed ASI Varinder Pal in the discharge of his official duties and gave him beatings, torn off his uniform, tried to put cash amount in his pocket forcibly and they were gambling.

- 6- From the perusal of record, it came into my notice that the present accused/applicant is in judicial custody since 05.12.2017. The presentation of challan and thereafter conclusion of trial is likely to take considerable time.

Therefore, no useful purpose will be served if the present accused/ applicant will be detained behind the bars any more. As per the guidelines laid down by Hon'ble Apex Court in case titled as “**Sanjay Chandra Vs. CBI 2012(1) SCC 40**”, it has been made

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abundantly clear that the object of bail is to secure the presence of the accused person at the trial. The object of bail is neither punitive nor preventive. The jurisdiction to grant bail has to be exercised on the basis of well settled principles having regard to the circumstances of the case, the nature of accusation, the evidence to be led in support thereof, the severity of punishment, the character and behaviour of the accused, reasonable apprehension of tampering with the evidence, reasonable possibility of securing the presence of accused during the trial, the larger interest of public and state. Thus, when the above said yardstick are applied to the case in hand, the court finds merit in the submissions put forth by the learned counsel for the applicant. Thus, taking into the totality of the facts and circumstances of the present case, the bail application is hereby allowed. The criminal liability, if any against the applicant, can be determined after holding the regular trial. As such no useful purpose will be served by keeping the applicant behind the bars for an indefinite period. The applicant/accused is hereby admitted to bail on his furnishing bail bond in the sum of Rs. 50,000/-

with one surety in the like amount to the satisfaction of learned Illaqa/Duty Magistrate/Trial Court with the directions that the present applicant shall not leave the country without the prior permission of the court and shall not tamper with the prosecution evidence to this slightest. Anything said in this order shall not affect the merits of main trial, in any

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manner. Record be returned and file of bail application be consigned to record room.

Pronounced;
Dt;28.03.2018

*Baljinder

(Anjana)
Addl. Sessions Judge,
Ludhiana.
(UID No.PB-0448)

Next Date: NA

Purpose: