

**IN THE COURT OF SH. KISHORE KUMAR
SESSIONS JUDGE
FEROZEPUR.
(UID No. PB0034)**

Bail Application No. 189 of 2021
Date of Institution: 25.08.2021
CIS No. BA/1814/2021
CNR No. PBFZ010055632021
Date of Order: 02.09.2021

State of Punjab

Versus

Manjinder Singh alias Bhund son of Bhajan Singh, resident of Village
Shah Wala, Police Station Sadar Zira.

.....Applicant/Accused.

**Bail application under section 439 Cr.P.C in
FIR No. 41 dated 23.05.2021, Police Station
Sadar Zira, under section 457, 380, 411 IPC.**

Present: Sh. K.S. Dhillon, counsel for applicant/accused.
Sh. Dalip Kumar, Public Prosecutor for State.

ORDER:

This order of mine shall dispose of bail application under section 439 Cr.P.C filed by the above named applicant/accused, in FIR No. 41 dated 23.05.2021, Police Station Sadar Zira, under section 457, 380, 411 IPC.

2. Brief facts of the present case has been registered at the instance of Daljit Singh son of Chanan Singh resident of village Shah

Wala, who stated that he is resident of above mentioned address and is an agriculturist. His house is situated in his fields on the Noorpur Road and adjoining to the main gate of the house, there is one room, which is meant for storing the house hold articles as well as the wheat crop. Today at about 4:00 AM, he woke up on the barking of his dog and on coming out he found that Jagseer Singh alias Jagga son of Balwinder Singh, Balwinder Singh alias Binder son of Prem Singh and Manjinder Singh son of Bhajan Singh alongwith some other persons were committing theft of wheat from their room and on seeing him, they tried to run away by jumping over the wall. He woke up his father Chanan Singh son of Piara Singh and on coming out side, they found that the accused persons ran away on one Alto car and one motor cycle make Hero of black colour having No. PB-05-AK-1826 after committing theft of wheat crop. On coming inside the house, they found that the accused persons entered the house by jumping over the wall as the main gate was locked and they took the gunny bags lying in the house of complainant and put the wheat in the same and committed theft of wheat crop. The matter was reported to the police. Accordingly, FIR has been registered.

3. Learned counsel for the accused/applicant contended that accused/applicant has been falsely implicated in this case. Recovery has already been effected and nothing is to be recovered from the accused/applicant. He is in custody since 23.05.2021. Hence, accused/applicant be granted concession of bail.

4. Learned Public Prosecutor for State opposed the bail application by contending that accused/applicant has committed heinous crime and mere fact that he is in custody since long time is no ground to grant him bail. Hence, accused/applicant should not be granted concession of bail.

5. Heard. The instant case has been registered against the accused alongwith his co-accused as per statement of complainant Daljit Singh son of Chanan Singh resident of village Shah Wala, who stated his house is situated in his fields on the Noorpur Road and adjoining to the main gate of the house, there is one room, which is meant for storing the house hold articles as well as the wheat crop. On 23.05.2021 at about 4:00 AM, he woke up on and found that Jagseer Singh alias Jagga son of Balwinder Singh, Balwinder Singh alias Binder son of Prem Singh and Manjinder Singh son of Bhajan Singh alongwith some other persons were committing theft of wheat from

their room and on seeing him, they tried to run away by jumping over the wall. He woke up his father Chanan Singh son of Piara Singh and on coming out side, they found that the accused persons ran away on one Alto car and one motor cycle make Hero of black colour having No. PB-05-AK-1826 after committing theft of wheat crop. Matter was reported to the police and FIR has been registered. Police visited the spot and prepared site plan. Statements were recorded. During investigation, accused was arrested and recovery of stolen wheat was also effected from co-accused Jagsir Singh. In the instant case, though the accused/ applicant has been specifically named in the FIR, but nothing has been recovered from him and challan in this case has already been presented before the trial court, wherein charge has already been framed. Further it is an admitted fact that in the instant case, the accused/applicant is in custody since 23.05.2021. Therefore, without commenting any thing on merits of the case, this court is of the opinion that no useful purpose would be served by further detaining the accused/applicant behind bars for any longer period. So, keeping in view the facts and circumstances of the case, the accused/applicant Manjinder Singh alias Bhund is ordered to be released on regular bail, subject to his furnishing of bail bonds in the sum of Rs.25,000/- with

one surety in the like amount, to the satisfaction of learned Trial Court/Illaqa Magistrate/ Duty Magistrate with further conditions that :-

(i) the applicant will not induce/threat any of the prosecution witness or tamper with the evidence in any manner,

(ii) the applicant will not leave India without prior permission of the trial court.

(iii) the applicant will appear before the trial court on each and every date of hearing before the court.

Accordingly, the present regular bail application stands allowed. Lower court file be returned along with a copy of this order. File be consigned to the record room.

Pronounced.
Dated: 02.09.2021.

Pritpal Singh
Stenographer Gr. II

Sd/-
(Kishore Kumar)
Sessions Judge
Ferozepur
(UID No. PB0034)