

BA 176-2024 State vs. Jashandeep @ Fauji

FIR No.132 dated 28.10.2024

Under Section 303(2), 317(2) BNS of 2023 and offence under section 25 of Arms Act

Police Station: Makhu

Present : Sh. Karan Dhingra, APP for the State.
Sh. AS Kamboj, Advocate for accused-applicant Jashandeep @ Fauji.

Heard on bail application moved by applicant/accused Jashandeep @ Fauji through his counsel. It is averred in the bail application that accused is in custody since 28.10.2024. FIR has been falsely registered against the applicant-accused in this case on the basis of false facts. Nothing was recovered from the accused-applicant. The trial of case will take a long time. There is no useful purpose of detaining the accused in custody. Prayer is made to allow the application.

I have heard learned counsel for the parties and have gone through the record on file with their kind assistance.

Record perused. Brief facts of the present case are that IO SI Surjit Singh received secret information that accused Jashandeep @ Fauji, Karandeep Singh, Gurwinder Singh, Mehtab Singh and Karan are members of a gang who commit theft from mobile towers in wee hours of morning or at night and accordingly as per the information accused were nabbed from the outer wall of cremation ground, Makhu from car make Hyundai Verna bearing number PB-05-AR-0930. From the personal search of accused, two keys were recovered from Jashandeep @ Fauji, from the personal search of Karandeep Singh @ Karan one pistol without magazine along with two cartridges were recovered, and from the trunk of car, two pieces of mobile tower parts radio remote unit were recovered. Accused were arrested. During the interrogation, accused Jashandeep @ Fauji revealed that they used to sell the stolen parts of mobile tower to scrap vendor,

namely Deepak Singh son of Karan Singh, resident of Civil Line Bathinda and accordingly Deepak Singh son of Karan Singh was also arrested in this instant case. After arrest Deepak Singh also got recovered parts of mobile tower from his Godown, which was allegedly sold to him by other accused.

Arguments on bail application heard. In the considered and confirmed opinion of Court accused deserves to be released on bail qua the accused in hand i.e. bail applicant, there are no allegations of Arms Act as fire arm was only recovered from his co-accused namely Karandeep Singh @ Karan. The only allegations against the accused are that he used to commit theft of parts of mobile phone towers and he has been receiving stolen property knowing the same to be stolen property. He is already custody from 28.10.2024. Hence, his further incarceration is not warranted. Pending investigation and filing of charge sheet as prosecution is yet to prove its case against this accused. Hence. At this stage, in the opinion of the Court, accused-applicant deserves the concession of bail and accordingly accused is released on bail. Accused-applicant is directed to furnish personal bail bonds along-with one surety to the tune of ₹.50,000/- with one surety in the like amount.

Bail bonds and surety bonds not furnished. Papers be attached with the main file. Copy of this order be also send to concerned Jail Superintendent.

Dated : 29.11.2024
Sunny Arora
Stenographer-II

(Deepal Singh Chhina), PCS,
Judicial Magistrate Ist Class
Zira.(UID No. PB0468)