

**IN THE COURT OF SANDEEP SINGH BAJWA, ADDITIONAL
SESSIONS JUDGE, AMRITSAR.**

**BA No. 1753/2018.
CNR No. PBAS010049702018.
Date of Instt. :18.04.2018.
Date of decision:02.05.18.**

State Vs. Jaswant Singh son of Jangbali R/o Village
Jatkheri, P.S. Bohra Katore, Tehsil
Mamgarh, District Rajgarh, Madhya
Pardesh at present R/o Chuggian, Near
Railway Station, Jalandhar.

....Accused

**FIR no. 270 dated 26.12.2017.
U/s 454/380 IPC.
P.S. Sadar, Amritsar.**

Present:- Sh. Ritesh Kohli, Adv., for applicant/accused.
Ms. Rittu Kumar, Addl. PP for the state.

Ist Bail application under section 439 Cr. P.C for grant of regular bail.

ORDER

1. This order shall dispose off the bail application u/s 439
of Cr.P.C, filed by the accused/applicant, seeking regular bail in FIR No.
270/26.12.2017, u/s 454,380 of IPC, P.S. Sadar, Amritsar.

2. The prosecution was launched against the applicant on the

statement of Daljit Singh who has alleged that on 26.12.2017, there was marriage party of his nephew Amritpal Singh at Chalet Resort, Majitha Road Bypass, Amritsar and when they were taking tea, his sister Rajpreet Kaur kept her purse on table containing one gold set weighing five tolas, one gold set weighing 3 tolas, one gold ring weighing 6 gm., two topes weighing 1 tola in total 9 tolas 6 gram gold and Rs. 10,000/- in cash and one girl aged 22/23 years alongwith one boy aged 23/24 years were found to committ theft through CCTV Camera. On the basis of ruqa, the instant FIR has been lodged.

3. Notice of the bail was given to state and police record was also summoned.

4. Ld. Counsel for the applicant/accused argued that the applicant is an innocent person and has been falsely implicated in this case. No recovery has to be effected from him and no useful purpose would serve while keeping the applicant in judicial custody. The presentation of challan would take time and he would abide by the terms and conditions as imposed and hence prayed for acceptance of bail application.

5. Per contra Ld. Addl. PP for the state assisted by Ld. Counsel for the complainant argued that the allegations against the applicant are grave in nature. He committed the offence of theft. She further argued that

there is on record his disclosure statement in which he admitted the present occurrence as well as the other occurrences committed by him alongwith his co-accused. She further argued that he is involved in many other cases of theft registered against him in different police station and the period of detention of the applicant-accused behind the bars is not sufficient for such serious allegations of stealing, therefore, he does not deserve any leniency of regular bail at this stage and thus she prayed for dismissal of the application.

6 I have heard the rival submissions besides perusing the record.

7. In the instant case, FIR was lodged on the statement of Daljit Singh who has mainly alleged that the applicant-accused committed theft of gold weighing 9 tolas 6 grams and Rs. 10,000/- cash belonging to his sister at the time of marriage ceremony of his nephew at Chalet Resort, Majitha Road Bypass, Amritsar. Further, it is alleged that the applicant-accused alongwith a girl were traced through CCTV cameras while committing theft of above-said in the palace. The present applicant-accused is presently lodged in judicial custody since 27.2.2018. Moreso, he admitted the present occurrence alongwith other occurrences of stealing committed by him alongwith his sister. Further more, he is a habitual offender as many FIRs have been registered against him under the said offences at different

police station. It is contended by Ld. Addl.PP that the period of detention of the applicant/accused behind the bars is not sufficient for such activities of stealing. He does not deserve the concession of regular bail at this stage. This court fully concurs with the arguments put forth by Ld. Addl.PP for the state.

8. Thenceforth, in view of antecedents of the applicant/accused and in view of the gravity and seriousness of the offenses, the present applicant-accused does not deserve the regular bail at this stage. It can cause prejudice to the investigation which is afoot, however without expressing any opinion on the merits of the case, the instant bail application sans merit and is hereby dismissed. Police record be returned forthwith. File be consigned to the record room.

Pronounced :-02.05.2018.

Karamjeet Kaur,
Stenographer Grade-II.

(Sandeep Singh Bajwa)
Addl. Sessions Judge,
Amritsar.