

**IN THE COURT OF JAGMOHAN SINGH SANGHE
ADDITIONAL SESSIONS JUDGE, AMRITSAR
(UID NO.PB0447)**

Case Details

Case Type	BA	
Filing No.	5553/2019	Filing Date : 29.03.2019
Regn. No.	BA/1729/2019	Date of Regn. 30.03.2019
CNR No.	PBAS01-010589-2019	
Date of order	12.04.2019	

S T A T E

Versus

Nand Kishore son of Shri David Masih, resident of village Dadu Jodh, Tehsil Fatehgarh Churian, District Gurdaspur.

...Applicant

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|----------------|------------------------------------------------------------------------------------------------------------------------|
| FIR No.        | 14 dated 10.06.2018.                                                                                                   |
| U/s.           | 420, 382, 386, 387, 212, 216-A,<br>120-B IPC,<br>41, 52-A Prisoners Act,<br>10,11,13 of UAF Act and<br>25 of Arms Act. |
| Police Station | SSOC, Amritsar.                                                                                                        |

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First Bail application Under Section 439 Cr.PC.

Present: Shri Raviraj Brinder Singh Bhullar, Advocate
counsel for the applicant Nand Kishore.
Shri Ravinderpal Singh, Additional PP for the State.

ORDER:

1. By this order, this Court intends to dispose off the present bail application under Section 439 Cr.PC having been filed by applicant Nand Kishore.

2. Brief allegations against the applicant/accused are that while being lodged in jail, he arranged for a mobile SIM in the month of January 2018 through his uncle Tarsem Masih and used that mobile phone from the jail to develop contact with his family members and near relatives. The applicant/accused is also stated to have allowed the said mobile phone to be used by his friend Tarnjot Singh Tanna lodged in the jail and by using such mobile phone, he indulged in transportation of illegal weapons and drugs by developing contacts with other criminals and smugglers.

3. Notice of the bail application was served upon the State through learned Additional PP alongwith copy of bail application, who received the same, appeared and contested the bail application on merits. Police record was also requisitioned which has been received and perused.

4. Learned counsel for the applicant/accused has

vehemently argued that the applicant is innocent and has not committed any offence. He is in custody since September 2018 and no useful purpose would be served by keeping the applicant/accused behind the bar for any longer period.

5. Learned Additional PP has argued that there are serious and specific allegations against the applicant regarding use of illegal mobile phone in the jail which was being used for developing contact with various interstate gang leaders for transportation of illegal weapons and drugs and for extortion also. It is argued that the applicant/accused is also involved in other serious offences and his release on bail in this case during pendency of investigation is likely to adversely effect the progress of investigation and trial. A prayer for dismissal of bail application has been made.

6. I have heard the respective submissions of both the sides and have also gone through the police file with the able assistance of the advocates for the parties.

7. The applicant is seeking relief of bail primarily on the ground of his being in custody since September 2018 and on the ground of there being no necessity to keep him behind the bars for

any longer period but, such ground of bail is not valid in view of the fact that investigation of the case is still continue. There are serious and specific allegation against the applicant that he kept an illegal mobile phone in his possession while being in jail and allowed the same to be used by the other associates/gangsters for communicating with the other members of such gang for illegal transportation of weapons and drugs. The release of applicant on bail does not seem justified at this stage keeping in view the seriousness of allegations.

8. Resultantly, the bail application under Section 439 Cr.PC filed by applicant stands dismissed. Police record be returned and the bail application file be consigned to the record room.

**Pronounced.
12.04.2019.**

**(Jagmohan Singh Sanghe),
Additional Sessions Judge,
Amritsar (UID No.PB0447).**

*dalipkumar
Stenographer Grade-I.