

Jarnail Singh Versus State

**In the Court of Rajwinder Kaur,
Additional Sessions Judge, Kapurthala
(UID No.PB0121)**

CNR No.
PBKP010043202021



Case No. BA/1749/2021

Presented on : 31-08-2021

Registered on : 01-09-2021

Date of Order : 10-09-2021

Jarnail Singh, aged about 42 years, son of Joginder Singh, resident of Bahui, Sheikhpur, PS Fattudhinga, District Kapurthala.

.....Applicant-accused

Versus

State of Punjab.

FIR No.155 dated 02.08.2021
Under section: 379 IPC
Police Station: Sadar, Kapurthala.
District Kapurthala

Second Application for bail under Section 438 Cr.P.C.

Present: ***Shri Sandeep Singh, Advocate***, for applicant/accused
Shri Anil Kumar, Addl. PP for State

ORDER

Jarnail Singh (accused-applicant) has filed instant application for bail under section 438 Cr.PC in the above noted case, on the grounds of false implication.

2. Vide Order dated 06.09.2021, applicant/accused was granted interim anticipatory bail to join the investigation within three days.

Rajwinder Kaur, Additional Sessions Judge, Kapurthala UID No.PB0121

3. I have heard rival submissions put forth by learned counsel for the parties, and have gone through record with their able assistance.

4. Learned counsel for applicant-accused has, while reiterating submissions made earlier, submitted that in compliance with Order dated 06.09.2021, applicant/accused has joined the investigation and he may be granted anticipatory bail as his custodial interrogation is not required in this case.

5. On the other hand, learned Addl.PP for the State has vehemently opposed the bail application and submitted that in view of gravity of accusation, applicant/accused does not deserve grant of anticipatory bail. Prayed for dismissal of the same.

However, learned Addl.PP for the State, on instructions from SI Kirpal Singh, No.173/Kpt, PS Sadar Kapurthala, acknowledged that in compliance with Order dated 06.09.2021 applicant/accused has joined investigation on 08.09.2021, and that his custodial interrogation is not warranted in present case.

6. SI Kirpal Singh No.173/Kpt, PS Sadar Kapurthala, has appeared and also submitted statement that Nirmal Singh (applicant/accused) has joined the investigation on **08.09.2021** in pursuance of order dated **06.09.2021** and he is no more required in this case.

7. In view of the facts and circumstances of the case, nature of accusation against the applicant/accused, the fact that custodial interrogation of the applicant/accused is not required in the case, and there

Jarnail Singh Versus State

is no material to justify the apprehension of the accused/applicant fleeing from justice or tampering with evidence or criminally intimidating the prosecution witnesses, but without commenting upon merits of the case, undersigned is of the considered view that applicant/accused deserves concession of anticipatory bail. Hence, bail application is allowed and order ***dated 06.09.2021*** granting interim anticipatory bail to the applicant/accused stands ***confirmed*** and made ***absolute***, subject to the following conditions :-

1. That the applicant-accused will not tamper with the prosecution evidence in any manner.
2. That the applicant-accused will not leave the limits of India without prior permission of the court.
3. That the applicant-accused will attend the court on each and every date.

Bail application file be consigned to the record room.

Pronounced in an open Court.

Dated:10.09.2021

(Nirlep)

***(Rajwinder Kaur),
Additional Sessions Judge,
Kapurthala.
(UID No.PB0121)***

(directly dictated on computer)

Rajwinder Kaur, Additional Sessions Judge, Kapurthala UID No.PB0121