

**In the Court of Sh.Jaspal Verma,
Additional Sessions Judge, Kapurthala (UID No.PB0136)**

CNR No.PBKP010042122022



Case No. BA/1728/2022

Presented on : 12-09-2022

Registered on : 13-09-2022

Decided on : 12-10-2022

FIR No.47 dated 14.07.2022

Under Section 25/54/59 of Arms Act and section 399/402 IPC
Police Station Talwandi Chaudhrian, District Kapurthala.

Surinder Singh @ Ghugi aged about 26 years son of Dharam Singh, resident of village Khizarpur, Toora Day Dera, Tehsil Sultanpur Lodhi, District Kapurthala.

.....Accused/applicant.

Versus

State of Punjab.

.....Respondent.

Bail application under Section 439 CrPC.

Present: Sh. V.S. Nandha, Advocate for the applicant/accused.
Sh. J.S. Marok, Addl. PP for the State.

ORDER

1) Present bail application has been filed by the applicant/accused Surinder Singh @ Ghugi son of Dharam Singh in this case bearing FIR No.47 dated 14.07.2022, under Section 25/54/59 of Arms Act and section 399/402 IPC, Police Station Talwandi Chaudhrian, District Kapurthala on the ground that the police of P.S. Talwandi Chaudhrian has registered a false case

against the applicant-accused. The applicant has been wrongly implicated as an accused in the present case as no offence has been committed by the applicant. The applicant-accused is in judicial custody since 14.07.2022. There is no direct or indirect evidence against the applicant-accused to connect him with the commission of alleged crime. Presentation of challan and its disposal is likely to take considerable time. So, he be released on regular bail.

2) Notice of the bail application was given to the State who appeared. Report from the Criminal Ahlmad was called for and its perusal shows that no bail application of the accused/applicant is pending or decided in the present case by Hon'ble Punjab and Haryana High Court. However, no reply to the bail application was filed but APP for the State orally contested the bail application.

3) I have heard counsel for the applicant/accused, Addl. PP for the State and have gone through the record produced by Senior Constable Sarabjit Singh from PS Talwandi Chaudhrian very carefully.

4) The present case has been registered against the applicant-accused and others on the basis of statement made by complainant SI/SHO Yadwinder Singh No.56/JR to the effect that he alongwith HC Jaskaran Singh No.588/Kpt., Senior Constable Ramandeep Singh No.408/Kpt. alongwith other police officials was present at T-point Bidhipur in connection with Nakabandi and in the meantime, two persons were coming from the side of Talwandi

Chaudhrian on a Aactiva scooter bearing registration No.PB-08-DQ-2695, who were signaled by Constable Ramandeep Singh to stop on which the abovesaid persons slow down the speed of Aactiva and when they reached near the Naka, they suddenly speed up the Scooter and crossed the Naka and fled away from the spot. Thereafter the police party chased the abovesaid scooter. In this process, the abovesaid persons struck the Scooter in the electricity poll. Due to this, the driver of the scooter had received serious injury on his head and the pillion rider received minor injuries. The police officials admitted the driver of the scooter in the hospital and from the search of the dub of the pillion rider, one pistol without marka was recovered. During investigation, the pillion rider disclosed his name as Surinder Singh @ Guggi son of Dharam Singh, resident of Khizarpur near Turra da dera, PS Talwandi Chaudhrian and he also disclosed the name of the driver of the scooter as Gurwinder Singh @ Goldi son of Balvir Singh, resident of Tibba, PS Talwandi Chaudhrian. The police took into police possession the abovesaid pistol and the person who had received injuries was admitted in the hospital. As the offence under section 25 of the Arms Act was made out, so ruqa was sent to the police station for registration of the case under section 25 of the Arms Act against accused Surinder Singh and Gurwinder Singh. During investigation, disclosure statement was made by accused Surinder Singh @ Ghugi to the effect that Gurwinder Singh son of Balbir Singh, Gursewak Singh @ Gabbar son of Iqbal Singh, Sonu @ Guramarjit Singh son of Nirmal Singh

and Princepal Singh @ Prince son of Paramjit Singh have made preparation to look one petrol pump at Boolpur and they had kept concealed their weapons and cartridges at Dera Kothe Baja village Tibba near Gurudwara Sahib in a field near the motor. One such magazine is with Gursewak Singh @ Gabbar and recovery can be effected from the spot on the basis of said statement made by accused Surinder Singh @ Ghugi vide DDR No.31 dated 14.07.2022, the names of accused Gurwinder Singh, Gursewak Singh @ Gabbar, Sonu and Princepal Singh @ Prince were added in the FIR and offence under Section 399/402 IPC was so added in the same.

5) As per record, the applicant/accused is facing trial under Section 25/54/59 of Arms Act and section 399/402 IPC. The applicant/accused was arrested in this case on 14.07.2022 and since then he is in judicial custody. Recovery has already been affected in the present case. Presentation of challan and conclusion of the trial is likely to take considerable time. No useful purpose will be served by keeping the applicant/accused in judicial custody for a long time and rather it would be a burdened on State exchequer. As such, the bail application of the accused-applicant Surinder Singh @ Ghugi to release him on bail is allowed and he is ordered to be released on bail in this case subject to his furnishing personal bonds in the sum of Rs.1,00,000/- with one surety in the like amount to the satisfaction of learned trial court/Duty Magistrate and subject to the conditions imposed by the said court.

6) As such, Superintendent, Modern Jail, Kapurthala is

directed to release the accused on bail on receipt of his personal bonds and surety bonds for a sum of Rs.1,00,000/- after complying with the administrative instructions/guidelines issued in view of the outbreak of Covid-19 including maintaining of social distance of preventing community transmission.

7) The copy of this order alongwith release warrants be sent to the Superintendent, Central Jail, Kapurthala/concerned jail. Further the Superintendent, Central Jail, Kapurthala/concerned jail is directed to send the personal bonds after being attested to the court at the earliest. Copy of this order be also sent to the learned trial Court/Duty Magistrate for necessary compliance to accept personal bonds and surety bonds. Police record be returned. Bail application file be consigned to the record-room.

**Pronounced in open Court
Dt.12.10.2022
(Arun)**

**(Jaspal Verma),
Additional Sessions Judge,
Kapurthala (UID No.PB0136)**

Surinder Singh @ Ghugi Vs. State

CNR No.PBKP010042122022

Bail application No.1728-2022

Present: Sh. V.S. Nandha, Advocate for the applicant/accused.
Sh. J.S. Marok, Addl. PP for the State.

Police record perused. Arguments heard on the bail application. Vide my separate and detailed order of even date, the bail application filed by applicant-accused Surinder Singh @ Ghugi has been allowed. Police record be returned. Bail application file be consigned to the record-room.

Pronounced in open Court
Dt.12.10.2022
(Arun)

(Jaspal Verma),
Additional Sessions Judge,
Kapurthala (UID No.PB0136)