

Baljinder Singh v. Kuldeep Kumar @ Bhola

Baljinder Singh aged 43 years s/o Late S.Kulwant Singh r/o Village Rajewal Tehsil and P.S.Samrala, District Ludhiana presently posted as Incharge, CIA Staff, Khanna, Police District Khanna, District Ludiana.

....Applicant/ accused

Versus

Kuldeep Kumar @ Bhola s/o Sh.Satpal r/o Bhola Motors, G.T.Road, Doraha, District Ludhiana.

....Respondent/ complainant

Criminal Complaint u/s 323,
325, 506, 342 IPC and U/s 7
of Prevention of Corruption
Act titled as Kuldeep Kumar
@ Bhola v. ASI Baljinder
Singh.

Present: Sh.Jaspreet Singh, Advocate for the applicant/ accused.
Sh. RK Morya, Advocate for Kuldeep Kumar, complainant.
Main trial file taken up and perused. Heard on the bail

application u/s 438 Cr.P.C filed by applicant/accused Baljinder Singh.

It has been submitted and emphasised on his behalf of applicant/accused that he was serving as Incharge CIA staff Police District Khanna. He had been falsely implicated in the present case. A false complaint had been filed by the complainant/ respondent against the applicant/ accused on false and frivolous allegations. He had not committed any offence as alleged in the complaint. No offence was made out against the applicant. Applicant was ready to face the trial and was ready to furnish the surety bond to the satisfaction of the Court. He has further submitted that as soon as he became aware of the present case, he has approached this court without wasting any time which shows his bonafide intention to participate in the trial.

Above submissions have been opposed by the counsel for the complainant contending that relief of anticipatory bail is a discretionary relief which is only granted in favour of a person when a special case is made out. But no special case is made out in favour of applicant/accused specially in view of serious charges of corruption against him. He may not be granted concession of anticipatory bail.

Above submission and contentions have been heard and examined in the light of facts and circumstances revealed on record. The applicant/ accused has been summoned in the private complaint pending before this Court under section 323, 325, 506, 342 IPC and U/s 7 of Prevention of Corruption Act titled as Kuldeep Kumar @ Bhola v. ASI Baljinder Singh. Further, his custody was not required for any purpose whatsoever. His culpability/liability if any, is to be adjudged in the trial, conclusion of which is likely to take considerable time. No useful purpose is going to be served by keeping the accused behind the bars through-out. All the aforementioned offences punishable are bailable ones except section 7 of the Prevention of Corruption Act. The chances of his influencing the witnesses and of his absconding from the law and proceedings are also not apparently there which can otherwise be got minimized by subjecting him to some kind of heavy and sound surety. Thus the applicant/accused is found to be entitled to the grant of concession of anticipatory bail by this court upon exercising its discretionary powers u/s 438 Cr.P.C. Accordingly, present bail application is allowed and applicant/ accused is admitted to bail on furnishing of bail/

surety bonds to the tune of Rs.50,000/- with one sound and local surety in the like amount, subject to the following terms:-

1. he shall appear in the trial court on each and every date of hearing;
2. he shall not tamper with the prosecution evidence;
3. he shall not leave India without prior permission of the court;

My observations made here-in-above while disposing of bail application shall not affect the merits of the case. Bail application be tagged with the main trial file.

Date of Order: 07.12.2018

Arunvir Vashista/ASJ/LDH
UID: PB0050