

**In the court of Shri Lalit Kumar Singla
Addl. Sessions Judge, Jalandhar.
UID No (PB0104)**

CIS Number	BA/1747/2021
CNR number	PBJL010047172021
Date of Institution	23.04.2021
Date of Order	11.05.2021

Anish Kumar @ Nisha aged 34 years, son of Sucha Ram, resident of Village Rurka Khurd, PS Goraya Tehsil Phillaur, District Jalandhar.

..Applicant/accused

Versus

State of Punjab

.. Respondent

FIR No.38 dated 15.03.2021
Under Section 380, 411 IPC
P.S. Goraya, Jalandhar.

[Ist Application for Bail U/s 438 of Cr.P.C.]

Present: Sh. Mohan Lal Boparai, Advocate for accused/applicant.
Sh. APS Dhillon, Addl.PP for the State.

ORDER:

1. This order of mine shall dispose of first anticipatory bail application moved on behalf of applicant/accused Anish Kumar under Section 438 Cr.P.C. in the above noted case.

2. Notice of the bail application was given to State of Punjab, upon which learned Additional Public Prosecutor for State has opposed bail application. Police record perused.

3. Concisely stated, as per the story of prosecution, on 15.03.2021, complainant Paramjit Sharma suffered a statement with SI Jagdish Raj to the effect that he runs a factory of spring and nut bolts, under the name and style of Guru Product Spring and Nut Bolts at Mohalla Ramgariya, Goraya. On 14.03.2021, time was around 12:15 PM accused Ajay Kumar came to the factory and went away after

stealing the keys of the factory. The factory remained closed on 15.03.2021. When the complainant made a search of the keys in his factory on 14.03.2021, one bundle of iron springs weighing 90 kgs and three bags of nut bolts and four bags of iron rods were found got stolen.

4. During the course of interrogation, accused Ajay Kumar suffered a disclosure statement with SI Jagdish Raj on 16.03.2021 to the effect that he got stolen the said articles along with Nisha son of Sucha Ram, resident of Village Rurka Khurd. Accordingly accused Anish Kumar @ Nisha was nominated in the alleged crime.

5. Learned counsel for applicant/accused has vehemently contended that accused has been falsely implicated in the alleged crime. He has nothing to do with the alleged crime. He has only been nominated at the instance of accused Ajay Kumar. The alleged recovery has already been effected from accused Ajay Kumar. Still, accused is ready to join the investigation. So, he may be extended the benefit of pre-arrest bail.

6. On the contrary, learned Addl. PP for the State prayed for the dismissal of the bail application, on the pretext that custodial interrogation is warranted in this case.

7. Having considered the arguments of both the sides, in light of the record available on file, I have found that complainant Paramjit Sharma had laid a suspicion regarding the theft of keys by accused Ajay Kumar. Later on the articles i.e. one bundle of iron spring weighing 90 kgs and three bags of nut bolts and four bags of iron rods have been stolen from the factory of complainant. Said articles have

already been recovered from accused Ajay Kumar.

8. Applicant/accused has been nominated on the disclosure statement of accused Ajay Kumar that he has got stolen the said articles along with applicant/accused Anish Kumar. The implication of the accused in the alleged crime is yet to be ascertained on record, during the course of investigation. Still, accused is ready to join the investigation.

9. Keeping in view these circumstances, the accused/applicant is directed to join the investigation within the period of five days. On his doing so, he is directed to be released on interim bail to the satisfaction of the arresting officer/SHO concerned, subject to the following conditions:

- a) That he will not tamper with the prosecution evidence and will not offer any threat, promise or inducement, directly or indirectly to any of the person acquainted with the facts of the case, dissuading him from disclosing the same to the court/ investigating agency; and
- b) That he will not leave the limits of India without prior permission of the court.
- c) That he will come present as and when called by the investigating officer for the purpose investigation.

10. Let the investigating officer along with police file be summoned for 18.05.2021. Copy of the order be sent to police station, through learned Addl. PP for the State, for compliance.

Pronounced.
Dt 11.05.2021.

Deepak Dogra

(Lalit Kumar Singla)
Addl. Sessions Judge Jalandhar.
UID No (PB0104)