

IN THE COURT OF R.S.RAI, SESSIONS JUDGE, SANGRUR

Bail Application No.1710 of 24.05.2023

Filing No.....3572 of 22.05.2023

CNR No.....PBSG010048432023

Date of decision.....30.05.2023

Aasim, aged about 26 years, son of Mohammad Aslam, Sheikh Malih Road, Malerkotla, District Malerkotla.

....Applicant/accused

Versus

State

First anticipatory bail application under Section 438 of
Cr.P.C. filed by applicant Aasim

F.I.R. No.45 dated 04.04.2023,
Under Sections 379-B/341/323/506/34 of IPC,
Police Station City-I Malerkotla.

Present: Mohammad Izhar, Advocate, for applicant/accused.
Shri R.S.Kauldhar, Public Prosecutor for State.

ORDER

This order shall dispose of an application moved under Section 438 of Cr.P.C. for grant of anticipatory bail, on behalf of applicant/accused Aasim, pertaining to above noted criminal case.

2. As per story of the prosecution, complainant ASI Gurinder Singh son of Late Gurcharan Singh, resident of village Bhullerheri, suffered a statement before the police to the effect that he was doing Intermediate Course at Fort Phillaur since 10.02.2023. On 02.04.2023, he came from Fort Phillaur for one day weekly rest at his village Bhullerheri and he had to report at Fort Phillaur on 03.04.2023 before 6:00 p.m. On 03.04.2023, he started from his house for Fort Phillaur in his car. At about

1:30 p.m., when he came down from Malerkotla bridge towards the bridge of Ludhiana chowk, one vehicle make-Tata bearing registration No.PB-13-BN-2312 came from Jamalpura side and its driver hurriedly turned his vehicle in front of his car. The persons sitting in the vehicle started challenging the complainant to come forward and that they would teach him a lesson. Due to fear, complainant took his car towards Ludhiana Chowk, Malerkotla. The persons stopped their vehicle in front of his car and came towards him. Complainant entered a medical store situated near Gulzar Hospital, Malerkotla and the said persons followed him into the said medical store. Out of them, Kashif, who was wearing cap, caught hold of complainant from his shirt near neck and he along with his accomplice, dragged him out of the shop. They gave him fist and kick blows. Thereafter, one more person, whose name was Kashif Shoib, threatened the complainant to kill him. Kashif, Shoib and the other third person started giving fist and kick blows to him. Kashif snatched the gold chain from the neck of complainant and thereafter, all the aforesaid persons fled from the spot. Complainant could identify them if produced before him. On the basis of this statement, present FIR under Sections 323/341/506/34/379-B of IPC was registered against Kashif, Shoib and other unknown person.

Law of investigation was set into motion. During investigation, accused Shoib and Kashif were arrested. During interrogation, accused Kashif disclosed that on the day of alleged occurrence, he along with Shoib and one unknown person had beaten the complainant. He (Kashif) forcibly snatched gold chain from the neck of

complainant and thereafter, he handed over the said gold chain to applicant/accused Aasim and same was still lying with Aasim. On the basis of these disclosures, Aasim was nominated as accused in this case also. Apprehending his arrest in this case, applicant/accused Aasim has moved this bail application under Section 438 of Cr.P.C.

3. Notice of this application was given to learned Public Prosecutor for State, who appeared and opposed this bail application. Police record of this case was also summoned.

4. I have heard learned counsel for applicant/accused, learned Public Prosecutor for State and have gone through the record of this case very carefully, with their able assistance.

Applicant/accused Aasim was nominated as accused in this case on the basis of disclosure statement of his co-accused Kashif. During his interrogation, Kashif disclosed to the investigating agency that the gold chain, which was forcibly snatched by him from the complainant, was handed over to applicant/accused Aasim. It is case of the prosecution that the said gold chain is yet to be recovered from this accused Aasim. On the other hand, learned counsel for applicant/accused submitted that this accused is innocent and he has nothing to do with the occurrence in question. Since the investigation of this case is going on, so nothing can be said, at this stage, with regard to the innocence of this accused. Rather keeping in view the role attributed to him, coupled with the fact that recovery of gold chain is yet to be affected from him, as per allegations of the prosecution, his custodial interrogation is necessary for the proper and effective investigation of the case in hand. If this accused is allowed

anticipatory bail, it would hamper the investigation. No exceptional circumstances are made out to allow him anticipatory bail. Accordingly, this bail application deserves dismissal.

5. As a result of my above discussion, this bail application stands dismissed and disposed of. Anything said in this order is only for the purpose of disposal of this bail application and will not affect the merits of the main trial in any manner. Police record be sent back. Record of this bail application be consigned.

Pronounced:
May 30, 2023

(Narinder Kumar)
Stenographer-I

(R.S.Rai)
Sessions Judge, Sangrur
(Unique Identification No.PB0031)

CNR No.PBSG010048432023

BA/1710/2023

Aasim Versus State

Present: Mohammad Izhar, Advocate, for applicant/accused.
Shri R.S.Kauldhar, Public Prosecutor for State.

Police record received. Arguments concluded. Vide my separate detailed order of today, this bail application stands dismissed and disposed of. Police record be sent back. Record of this bail application be consigned.

Pronounced:
May 30, 2023

(R.S.Rai)
Sessions Judge, Sangrur
(Unique Identification No.PB0031)

(Narinder Kumar)
Stenographer-I