

**In the Court of Sh. Reetbrinder Singh Dhaliwal, PCS,
Judicial Magistrate Ist Class,
Sardulgarh.**

CIS No. BA-172-2020
CNR No. PBMNB10010272020
Date of Order: 06.10.2020

STATE **vs** Sunil Kumar S/o Nathu Ram R/o
Mugali, District Hisar

...Applicant/accused.

FIR No. 237 of 18.09.2020
U/S 25/54/59 Arms Act,
Police Station: Sardulgarh.

Application for grant of bail under Section 437 Cr.P.C.

PRESENT: APP for the State.
Sh. KS Bath, Advocate for applicant/accused.
(Through VC)

BAIL ORDER

1. The matter has been taken up through VC on account of lockdown due to outbreak of Covid-19.
2. Vide this order the bail application separately filed by accused Sunil Kumar S/o Nathu Ram R/o Mugali, District Hisar under Section 437 Cr.P.C, are proposed to be decided jointly, being arising out of same FIR. It has been submitted by Ld counsels for the accused/applicants in the application that applicants/accused that accused have been falsely implicated in the present case, they have not committed the offence. The accused are in judicial Lock-up, the completion of investigation and conclusion of trial could take considerable time. So, no

useful purpose would be served with their further incarceration in the judicial custody.

3. On notice Ld. APP for the State opposed the application in prayer for dismissal thereof.

4. After hearing Ld. Counsel for accused/applicants, Ld. APP for State and after going through the record and taking into consideration the allegations against the accused. As per the contents of FIR ASI Puran Singh alongwith other police officials was on inquiry when they received a call on 112 from Sonu son of Satpal r/o Jatana Kalan District Mansa, who disclosed that two unidentified persons are roaming in the area on stolen car. The police party when reached near Jatana Kenchiya they intersected white coloured desire car bearing registration No.PB-01-C-0865 which was coming from Jatana Kalan side towards Mansa-Sirsa road. The Investigating Officer with the help of the fellow officials signaled the occupants of the car to stop, all of sudden the car stopped and the unidentified person sitting on the adjoining seat of the driver fled away toward cotton fields. The driver of the car was apprehended, on asking he disclosed his name as Mohit Kumar son of Rajinder Kumar r/o Talwandi Sabo District Bathinda and he disclosed the name of the person who fled away as Suraj Yadav son of unknown r/o District Kethal Haryana. Thereafter on personal search of Mohit Kumar one 32-bore pistol was recovered from the left dubb of Mohit Kumar, on checking thereof no cartridge was recovered. The pistol was having steel body and black plastic was wrapped on its handle. The khakha of the pistol was prepared and it was converted into parcel sealed with seal bearing impression PS and

sample seal was prepared and thereafter seal was handed over to C Surinder Kumar. On search of the car no paper or any objectionable material was recovered. The 32 bore pistol and the car was taken into police possession by the Investigating officer. Mohit Kumar could not produce any license of 32 bore pistol. On the basis of ruqa the FIR was registered. Thereafter the other accused have been nominated during the course of investigation and accused Deepak Kumar was arrested on 18.09.2020, accused Mohit Kumar was arrested on 18.09.2020, accused Ravinder Singh was arrested on 19.09.2020, accused Rajesh Kumar was arrested on 20.09.2020, accused Jasvir Singh was arrested on 20.09.2020 and accused Sunil Kumar was arrested on 21.09.2020.

5. After hearing Ld. Counsel for accused/applicants, Ld. APP for State and after going through the record and taking into consideration the allegations against the accused. This court is of the considered opinion that the completion of investigation and conclusion of trial will take time. Moreover no recovery is to be effected from the accused. So the respective bail applications filed by accused Deepak Kumar, Mohit Kumar, Ravinder Singh, Rajesh Kumar, Jasvir Singh and Sunil Kumar are allowed, subject to furnishing bail bonds and surety bonds in tune of Rs. 50,000/- each. However, in view of the order dated 30.03.2020 passed by Hon'ble Punjab & Haryana High Court in CRM-M-11952 of 2020 titled as Indu Gover @ Ishu @ Golu Vs. UT Chandigarh & Another, circulated vide endorsement no. 1912 dated 31.03.2020 from the office of Ld. District & Sessions Judge, Mansa, the accused is ordered to be released on bail on furnishing his personal bonds in tune of Rs. 50,000/- with condition that when the

situation turns to be normal he would be bound to furnish surety bonds/bail bonds. Release warrants along with the personal bonds to be furnished by the accused at District Jail, Shri Muktsar Sahib are hereby sent to the concerned Jail Authority and undertaking is to be obtained from the accused that he will furnish surety bonds/bail bonds when the situation turns to be normal and to send the duly accepted and attested personal bonds along with undertaking of the accused to this court immediately. Copy of this order be placed in all bail applications.

Pronounced: 06.10.2020

Shobha

**Reetbrinder Singh Dhaliwal
Judicial Magistrate Ist Class,
Sardulgarh(D).
(UID No. PB0584)**