

IN THE COURT OF MR. GURMOHAN SINGH,
ADDITIONAL SESSIONS JUDGE,
FEROZEPUR. (UID No.PB-0573)

Bail Application No. 537 of 28.11.2019.

CNR No.PBFZ010060502019

CIS No. BA-2330/2019.

Date of order: 2.12.2019

Sonu aged 33 years son of Fajal, resident of # 228, Khalasi Line,
Ferozepur Cantt. -----Accused/ applicant.

Versus

State of Punjab -----Respondent.

**Anticipatory bail under section 438(i) Cr.P.C.in case
FIR no.127 dated 15.11-2019 under Sections379 IPC,
registered at Police Station Kulgarhi .**

Present: Sh. P.C.Munjal , counsel for the accused/applicant
Sh. APS Brar, Additional Public Prosecutor for State

ORDER

1. The present bail application filed by Sonu applicant, under section 438(i) Cr.PC in case FIR no.127 dated 15.11-2019 under Section 379 IPC, registered at Police Station Kulgarhi .

2. The brief facts of the case are that the present FIR has been registered on the statement of complainant Subdear Ravi Raj. Complainant states that he is posted as Subedar in Army at Ferozepur Cantt. On 7.11.2019 his duty was for patrolling and when he reached in the area of village Fattuwalla, then he chance to notice one Balero

Pickup No.PB-05-Y-5579 and one motor cycle Hero Deluxe No.PB-29-T-1629. On checking he found one mobile of OPPO company from the driver seat of Balero, it was about 3.15 PM and there was big fog and raining has also started and then he searched here and there but no body was present there. Some woods were loaded in the Balero, which were stolen by some unknown persons from the land of the Army. Thereafter, as per the instructions of the Senior Officers, he complained the said fact to the police on 15.11.2019. Thus, the present FIR has been registered against unknown persons. Further, apprehending his arrest the present bail application has been filed.

3. Notice of the bail application has been issued to the State. Learned Additional Public Prosecutor for the State has appeared. Record has been produced.

4. Learned counsel for the bail applicant/accused submits that the name of the applicant is not mentioned as accused in the above mentioned FIR. Further submits that applicant has not committed any theft regarding the woods in the Army land, nor he has cut the woods in the forest belonging to the Army land. Further submits that from the bare perusal of the contents of the FIR, it is crystal clear that the name of the applicant does not figure in it, nor there is any participation of the applicant in the commission of the alleged offence. Further submits

that Sh.Amandeep son of Parkash Chand is the owner of Bolero Pickup bearing No.PB05Y-5579 and the applicant was employed as Driver by the above named owner to drive the above mentioned Bolero Pickup. That at present, the applicant is the driver of aforesaid vehicle make Bolero Pickup. That on 7.11.2019 one Sh.Kuldeep Singh son of Bishan Singh, resident of Basti Nekan Wali, village Bukkan Khan, Tehsil and District Ferozepur hired the above said Balero Pickup for Rs.630/- through Guru Nanak Tata 207/ Mahindra Max Union to transport his Buffalo from Ferozepur to Basti Nekan Wali, village Bukkan Khan, Tehsil and District Ferozepur. Further submits that after unloading the Buffalo in the house of Kuldeep Singh at Basti Nekan Wali, village Bukkan Khan, District Ferozepur on 7.11.2019 at about 2.30PM, when the applicant was coming back to Ferozepur Cantt and reached near village Fattu Wala, near Army area about 3.00PM, then all of sudden the above mentioned Bolero Pickup went out of order and its Engine stopped working. At that time, all of sudden weather became bad and goody, then the applicant had to leave the above mentioned Bolero Pickup unattended as the applicant came to Ferozepur Cantt to bring some mechanic. Further submits that on that day, the applicant was unable to arrange Mechanic and on the next day, the applicant went there and found that the above said Bolero Pickup was missing at that

place and later on the applicant came to know that the Bolero Pickup was taken into custody by the Army Authorities and subsequently the above said FIR has been falsely registered against the applicant. Further submits that the applicant did not commit any theft regarding the woods as alleged in the FIR, nor the applicant has cut or collected the woods from the forest in the Army area nor the woods were loaded in the above mentioned Bolero Pickup by the applicant at any point of time. Further submits that false version has been put up in the FIR just to harass and implicate the applicant falsely. Further submits that the motor cycle make Hero Delux bearing RC No.PB-29-T-1629 and mobile phone Oppo does not belong to the applicant. Further submits that applicant does not know about the owners of motor cycle as well as the OPPO mobile. Further submits that there is long unexplained delay of eight days in lodging the FIR. Further submits that nothing is required to be recovered from the applicant and custodial interrogation of applicant is not required at all. Accused/ applicant is ready to join the investigation and co-operate accordingly. Hence, prayed for grant of pre-arrest bail.

5. Learned Additional Public Prosecutor for the State submits that the accused/applicant alongwith other co accused has committed serious offence by committing the theft of woods in the army area and

accordingly does not deserve the concession of the bail. Accordingly, prayed that the present bail application be dismissed.

6. After hearing learned counsel for the applicant and learned Additional Public Prosecutor for the State and on perusal of police file and FIR, it reflects that there is delay of eight days in lodging the FIR as the present incident is of 7.11.2019 and present FIR has been registered on 15.11.2019. Further, the FIR has been registered against unknown persons and even nothing is to be got recovered from the accused/applicant and it is the matter of the trial to prove the involvement of the accused/applicant in the present case regarding the commission of the offence as per FIR. Thus taken into consideration the above stated facts, accused/applicant is hereby directed to join the investigation before Investigating Officer/SHO on 6.12.2019 at 11-00 AM and in the event of his arrest he shall be admitted to the interim bail to the satisfaction of the investigation officer, with the following conditions :-

- (i) the applicant shall make himself available as and when required by the Investigating Officer
- (ii) the applicant shall not induce/threat any of the prosecution witness or tamper with the evidence in any manner,
- (iii) the applicant shall not leave India without prior permission of the trial court.

7. The Investigating Officer is directed to submit his report on 7.12.2019.

Pronounced in the open court

Date of Order: 2.12.2019.

'Satish Kumar'

Stenographer Grade-I

Sd/-

(Gurmohan Singh)

Additional Sessions Judge,

Ferozepur

(UID No.PB-0573)