

**IN THE COURT OF MS PALWINDER JIT KAUR,
ADDL. SESSIONS JUDGE, HOSHIARPUR.
(UID NO. PB0187)**

CIS No. BA/1681/2024
CNR No. PBHO01005314--2024
Date of Institution: 06.06.2024
Decided on: 14.06.2024

Harmesh Lal @ Hony aged about 25 years son of Resham Lal resident of village Pandori, PO Jhawan, Tehsil Tanda, Distt. Hoshiarpur.

...Applicant

Versus

State of Punjab

...Respondent.

FIR No. 206 dated 30.07.2023
Under Section: 379-B, 201 IPC
Police Station: Tanda, Distt. Hoshiarpur.

First bail application Under Section 439 of Cr.P.C.

Present: Ms. Amandeep Kaur Advocate, for applicant-accused
Sh. Pawanpreet Singh Addl. Public Prosecutor for the State

ORDER:-

1. This order shall dispose off bail application filed by applicant/accused under Section 439 Cr.P.C. for grant of regular bail in above mentioned case. Notice of the bail has been given to the State. learned Addl. PP appeared on behalf of State and contested the bail application. Record has been produced and perused.
2. As per the prosecution version, the present case was registered on the statement of Asha Rani wherein she stated that on 28.7.2023, she alongwith her husband had gone to village Dholwaha on scootey No.PB-06AG-5351 to pay obeisance at temple of Matarani. On return when they were little behind to turn of

Rarra, then two unknown person came behind them on scooty and snatched her earrings and threw her on the road. The said persons made her inhale some intoxicant due to which she became unconscious and accused fled away alongwith her earrings.

3. It has been pleaded in the bail application that applicant is innocent and has not committed any offence. The applicant-accused was arrested by the police of PS Bhogpur on 2.8.2021⁴ in another case bearing FIR no.83 dated 2.8.2023 under Section 379-B IPC and 25/27 Arms Act and since then he is in judicial custody. After coming to know regarding arrest of the applicant, the police of PS Tanda, has falsely nominated him in the present case, however, the present FIR has been registered against unknown persons and the applicant has no any relation with any alleged occurrence. No recovery has been effected from the applicant-accused. The applicant undertakes to abide by all the conditions imposed by the court. Prayer is made for allowing bail.

4. On the other hand, learned Addl. Public Prosecutor for the State has argued that the allegations against the applicant are grave in nature. Therefore, the present accused/ applicant does not deserve the leniency of the court in grant of relief of regular bail. Hence, prayer is made for dismissal of the bail application.

5. I have heard the learned counsel for the applicant-accused, learned Addl. PP for the state and have gone through the police record.

6. The applicant-accused is in custody since 04.09.2023. Nothing is to be recovered from the applicant-accused. Challan has already been presented in the court. The conclusion of the trial will take sufficient time. No useful purpose is going to be served by keeping the accused/ applicant behind bars for indefinite period, rather it will burden on the State Exchequer. So far as the averments/ contentions of

the learned Addl. Public Prosecutor for the State are concerned, those are matter to be appreciated only after taking evidence during trial.

7. Therefore, keeping in view of the principle that 'jail is an exception and bail is a rule', this bail application is **allowed** and the accused/ applicant is ordered to be released on bail on furnishing his bail bonds in the sum of **Rs.50,000/-** with one surety in the like amount to the satisfaction of the learned Illaqa/Duty Magistrate with the following conditions:-

1. That the applicant shall not influence the witnesses of the prosecution.
2. That the applicant shall appear in the court on each and every date of hearing.
- 3 That the applicant shall not leave the country without prior permission of the Trial Court.

However, it is made clear that in the event of his absence (without any reasonable cause) on any date of hearing, the benefit of bail allowed to the applicant shall stand withdrawn and the trial court shall be competent to cancel his bail bond and surety bonds and proceed to procure his presence in accordance with law. In that eventuality, the applicant shall have to apply for bail afresh. Police record be returned. Bail file is ordered to be attached with the main trial.

Pronounced in open court:

Date of Order : 14.06.2024

Anil Kumar, JW

Direct dictation.

(Palwinder Jit Kaur)
Addl. Sessions Judge
Hoshiarpur
(UID No.PB 0187)

Harmesh Lal Vs. State.

Present: Ms. Amandeep Kaur Advocate, for applicant-accused
Sh. Pawanpreet Singh Addl. Public Prosecutor for the State

An application for amending the bail application after inserting the Section 201 IPC in the head note of the bail application. It is averred in the application that during the investigation, the police has inserted the Section 201 IPC in the above said FIR and due to this reason application wants to add Section 201 IPC in the head note of the bail application.

Police record produced. IO Gurmit Singh appeared and suffered statement that the FIR was registered under Section 379-B IPC and during investigation vide DDR No.45 dated 4.9.2023 offence under Section 201 IPC was added in this case against the accused Harmesh Lal Hony.

Heard. As per the statement of IO offence under Section 201 IPC has been added vide DDR no.45 dated 4.9.2023 in the present case, therefore, the application for amendment of bail application is allowed. Reader is directed to make the necessary correction in the head note of the bail application.

Arguments heard. Vide my separate detailed order of even date, the bail application is allowed in terms of the order. Police record be returned. Bail application file be attached with the main trial.

Date of Order : 14.06.2024.

Anil Kumar, JW

(Palwinder Jit Kaur)
Addl. Sessions Judge
Hoshiarpur
(UID No.PB 0187)

Direct dictation.