

**IN THE COURT OF MS. GURDARSHAN KAUR DHALIWAL,
ADDL SESSIONS JUDGE, FAZILKA. (UID:PB0146)**

Bail application No.2863 of 2020
CIS No. BA-1683/2020
CNR No.PBFZC0-003402-2020
Date of Order: 25.8.2020

Yadwinder Singh @ Ramma, aged 30 years son of Harnek Singh,
resident of village Chak Pakhi, Tehsil Jalalabad (w), District Fazilka.

--Applicant/accused

Versus

State of Punjab.

--Respondent

FIR No.114 dated 1.8.2020
Under Section: 406/506 IPC, Section and Section 3
(1) (r) (s) SC/ST Act
Police Station: Arniwala, District Fazilka

Application for grant of bail under Section 439 Cr.P.C.

Present: Sh. Y.R. Puri, Advocate for the applicant/accused.
Sh. Yogesh Kasrija, Addl. PP for the State assisted by Sh.
A.K. Setia, Advocate counsel for complainant.

ORDER

1. This order of mine shall dispose of bail application under
Section 439 of Cr.P.C. moved by applicant/accused ***Yadwinder Singh***
@ Ramma in above mentioned FIR.

2. Notice of the bail application was issued to the State. Police recorpd requisitioned.

3. Learned counsel for the applicant/accused submitted that the abovesaid case is totally false and applicant/accused has been dragged into the present case. The applicant/accused was arrested on 2.8.2020 and since then he is in custody. The complainant and both the witnesses namely Dhalwinder Singh and Dharampreet Singh belong to Schedule Caste. There is no witness of General Caste of the alleged allegations of the prosecution. The false and frivolous allegations have been levelled by the complainant against him. The complainant Gurpartap Singh never worked with the applicant/accused as a Siri nor there is any dispute of any amount between them. There is running political enmity in his villager. The applicant/accused is ready to furnish the bail bonds to the satisfaction of this court. In the end, he prayed that the applicant/accused may be granted bail.

4. On the other hand, learned Addl. PP for the State assisted by Sh. A.K. Setia, Advocate counsel for complainant has vehemently opposed the bail application on the ground of gravity of the offences

and submitted that applicant/accused should not be granted concession of bail and his bail application may be dismissed.

5. I have heard learned counsel for applicant/accused, learned Addl. PP for the State assisted by Sh. A.K. Setia, Advocate counsel for complainant and have also gone through the record.

6. The abovenoted FIR against the applicant/accused Yadwinder Singh was registered on the basis of application bearing no.252/Local moved by Gurpartap Singh son of Dev Singh, resident of village Chak Pakhi wherein he alleged that he residents of adress aforesaid and belongs to poor family and that he is having two sisters, two brothers and mother. He is the only bread-winner of his family. He next alleged that about 3 years back, he was working as a Siri with Yadwinder Singh with the condition of salary @ Rs.7000/- per month and he (complainant) worked for 3 years. He i.e. complainant was only paid 5/7 hundered for Ration and remaining amount he was to take for constructing his new house. Yadwinder Singh was supposed to get contructed his (complainant) new house after demolishing his (complainant) old one and on this pretext, Yadwinder Singh took 1500/- bricks of his house saying that the

same are required at his motor. The complainant further alleged that inspite of his having worked for three years, accused Yadwinder Singh did not get constructed new house for him nor paid his amount of Rs.2,52,000/- i.e. his arrear to him. He further alleged that on 22.5.2020, he alongwith Dharampreet Singh, Dhalwinder Singh was coming back after paying obeiance at the place of Darvesha and that on the way, Yadwinder Singh met them and he (complainant) asked him to clear his accounts but Yadwinder Singh refused to pay anything to him and openly said that he will not clear the accounts with him and called him “Kuta Chuhra” and used filthy language with regard to his caste and threatened to kill him and he informed about it to Sarpanch but did not get justice.

7. Having heard both the sides carefully and perusing the record on file, it is clearly revealed that the actual dispute between the parties is that of non-payments of wages as Siri (agriculture servant) to him by the applicant/accused. Said matter of non-payment of wages to him by the applicant/accused Yadwinder Singh is more than 3 years old. So, there is delay of 3 years lodging the present FIR against the applicant/accused. No specific date with

regard of the instance of taking away of 1500 brick by the applicant/accused Yadwinder Singh has been mentioned in the FIR. As per record, the arrest of the applicant/accused in this case was effected on 2.8.2020. Since then, he is in custody. A considerable period of 23 days has elapsed. No recovery is to be effected from him. Presentation of challan against the applicant/accused and then conclusion of trial is likely to take considerable time. In these circumstances, I am of the considered view that no useful purpose shall be served by detaining the applicant/accused behind the bars for an indefinite period. Rather, it will be a burden on the State exchequer. Therefore, without commenting on merits of the case and also keeping in view the situation these days prevailing due to Covid-19, in the interest of justice, the bail application filed by the applicant/accused ***Yadwinder Singh @ Ramma*** stands allowed and he is ordered to be released on bail on his furnishing personal bonds in the sum of Rs.1,00,000/- with one surety of the like amount to the satisfaction of this Court, with the conditions that:-

1. He shall appear in the Court on each and every date of hearing.
2. He shall not leave India without prior permission of the Court.
3. He shall not tamper with the evidence of prosecution.

However, anything observed in this order shall have no bearing effect on the merits of this case. Present bail application be attached with the remand papers.

Pronounced in the open Court
Dated:- 25.8.2020
Deepak Kumar
Stenographer Gr.II

Sd/-
Gurdarshan Kaur Dhaliwal
Additional Sessions Judge
Fazlika/UID-PB-0146

Yadwinder Singh Vs. State of Punjab
BA-1683/2020

Present: Sh. Y.R. Puri, Advocate for the applicant/accused.
Sh. Yogesh Kasrija, Addl. PP for the State assisted by Sh.
A.K. Setia, Advocate counsel for complainant.

Remand papers produced. Arguments heard. Vide my
separate detailed order of even date, present bail application has been
allowed. Bail application be attached with the remand papers.

Pronounced in the open Court
Dated:- 25.8.2020
Deepak Kumar
Stenographer Gr.II

Sd/-
Gurdarshan Kaur Dhaliwal
Additional Sessions Judge
Fazlika/UID-PB-0146