

Kashmir Singh versus State

FIR No. 168 Dated 15.09.2022

U/S 379, 411, 473, 201 of IPC.

PS Kotbhai

Present: Ms. Rajwinder Kaur Brar, Adv. counsel for applicant-
accused Kashmir Singh.
Sh. Shivdev Singh Gill, APP for the State.

This order of mine shall dispose of application moved for grant of bail to the accused Kashmir Singh. Today an application for granting permission to add Sections 411, 473, 201 IPC by way of amendment in the bail application moved on behalf of accused submitting that Sections 411, 473, 201 of IPC have been added later on vide rapat no. 39 dated 15.09.2022. Perusal of the remand papers shows that accused has been arrested for the offences under Section 379, 411, 473, 201 of IPC. Accordingly, bail application be considered under Section 379, 411, 473, 201 of IPC. Report of Ahlmad obtained as per which no case pending in the present FIR and in the name of present applicant before the Hon'ble Punjab and Haryana High Court, Chandigarh as checked from the Website.

Learned counsel for accused has submitted that the applicant-accused is quite innocent, but he has been falsely implicated in the above said case. The prosecution allegations are totally false and concocted. The applicant has not committed any offence. The applicant is in custody since 16.09.2022. The presentation of challan and conclusion of the trial will also take long time, no useful purpose will be served by detaining the accused/applicant in judicial lock up. So, he may be given benefit of regular bail. Application is accompanied with an affidavit of Sukhjeet

Kaur, mother of accused, wherein it is stated that no such application is pending before any other Superior Court including the Hon'ble High Court.

Notice of the bail application was given to Ld. APP for the State, who has filed the reply to the same opposing the bail application. It has been submitted that accused alongwith other co-accused committed theft of three motor-cycles alongwith forged number plates and same have been recovered from the accused. Therefore, the present bail application is liable to be dismissed.

Heard. Record perused.

The offence charged against the accused is under Section 379, 411, 473, 201 of IPC. The accused was arrested on 15.09.2022 and he is in judicial custody in this case since 17.09.2022. Recovery has already been effected from the accused. Accused is no longer required for any further investigation in this case. Presentation of challan and conclusion of trial is likely to take some time. No useful purpose will be served by detaining the accused behind the bars, rather, it will put an extra burden on the State exchequer. Considering the facts and circumstances of the case and period of custody, the accused is released on bail on furnishing bail bonds in the sum of Rs. 70,000/- with one surety in the like amount, subject to following conditions:

1. The accused shall appear in the Court on each and every date of hearing.
2. The accused shall not tamper with the evidence.
3. The accused shall not leave the country during the trial of the case without prior permission of the court.

Bail bonds not furnished. Papers be tagged with remand papers. Now case is adjourned to 14.10.2022, the date already fixed and for the purpose already fixed.

Pronounced in open court
06.10.2022
(Aman Steno Gr. II)

(Ekta),PCS
Judicial Magistrate Ist Class
Gidderbaha
(UID No.PB0463)