

PBGD010000432025



Presented on : 02-01-2025
Registered on : 03-01-2025
Decided on : 14-01-2025
Duration : 0 years, 0 months, 12 days

**IN THE COURT OF
ADDITIONAL SESSIONS JUDGE,
AT ,Gurdaspur
(Presided Over by Sh. Raman Goklaney)**

BA/17/2025

Chand son of Raju Masih, resident of Mnohalla Krishna Colony, Fatehgarh
Churian, Tehsil Batala, District Gurdaspur.

...Applicant/accused.

Versus

State of Punjab.

...Respondent.

**First bail application umder Section 483 of Bharatiya Nagarik
Suraksha Sanhita, 2023 for grant of regular bail.**

FIR No. 40 dated 04.05.2023.

Under Sections 307, 379-B(2), 397, 473, 411, 201 IPC and section
25 of Arms Act.

Police Station : Sadar, Batala.

Present : Sh. Mohit Mahajan, Advocate for applicant/accused.
Sh.Bikramjit Singh, Additional Public Prosecutor for State.

O R D E R:-

This order shall dispose off first bail application filed under
Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of
regular bail filed by applicant-accused Chand in case FIR No.40 dated
04.05.2023 under Sections 379-B(2) and 25 of Arms Act & enhanced

Raman Goklaney,
Additional Sessions Judge/Gurdaspur.
Dated : 14.01.2025.

Sections 307, 473, 411, 201, 397, 395 IPC registered at Police Station Sadar Batala, Police District Batala, District Gurdaspur .

2. The facts, in brief, necessary for disposal of the instant bail application are that on 04.05.2023 police party headed by ASI Sukhjinder Singh were present near Hyundai Company Highway, on Govt. vehicle in connection with patrolling and checking of bad elements, when complainant Parvesh Kumar alongwith Mohinderpal came present and complainant got recorded his statement to the effect that on 03.05.2023 at around 9.00 to 9.30 p.m. he alongwith his friends Navneet Mahajan, Harsh Mahajan, Naresh Mahajan, have come at Bella Vita Hotel near Village Ghasitpur. When they were to proceed towards Batala, after taking meals, on his Car I-20 bearing registration No. PB-06-AM-2662, then, five young men with muffled faces, on two motorcycles arrived there, out of which, two young men had Pistols and one young man threatened him with pistol, then complainant and his friend came out of the Car and said young men demanded a Car, which they objected. One young man dragged the complainant on ground. Complainant further alleged that when his friend Naresh Mahajan, came forward then one young man out of them fired upon him, which hit on his left thigh. Then all the assailants threatened to kill the complainant and his friends. The assailants snatched the car and two of them got into the car and drove away while the other three assailants rode away on their motorcycle towards Batala. It is the case of the prosecution

that vide rapat No. 21 dated 05.05.2023, name of the present accused-applicant along with other nominated in the FIR in question.

3. Sh. Mohit Mahajan, Advocate, learned counsel for the accused-applicant submitted that accused-applicant is in custody since 05.05.2023 and complainant and other material witnesses have already been turned hostile and they have not supported the case of the prosecution. Continuing with his arguments, learned counsel submitted that keeping the accused-applicant behind the bars for indefinite period would not serve any purpose when the left out witnesses which remain to be examined by the prosecution are only formal witnesses. With the aforesaid submissions, prayer is made for grant of concession of regular bail.

4. Per contra, Sh. Bikramjit Singh, learned Additional Public Prosecutor for State opposed the bail application by submitting that there are serious allegations against the accused-applicant. He next submitted that simply on the ground that complainant turned hostile is not suffice to grant concession of regular bail to the accused-applicant and prayed for dismissal of the bail application.

5. After hearing the rival contentions of the parties and from the perusal of the record, it emerges out that though the complainant and other eye witness on the request of learned Addl.P.P. was declared hostile and not identified the accused. The prosecution still intends to examine other witnesses in order to prove its case. It is cardinal principle of criminal law that at this stage, the evidence is not to be appreciated as led by the prosecution because

prosecution yet to examine other witnesses and the case is fixed for prosecution evidence. However considering the long pre-trial incarceration of the accused-applicant in the present case, this Court is of the view that further incarceration of the accused-applicant would not serve any purpose because all the independent witnesses in the present case had already been examined and only official witnesses remained to be examined. So, under these circumstances and after considering the period of pre-trial incarceration, the accused-applicant, is admitted to bail on his furnishing bail bonds in the sum of Rs. 50000/- with one surety in the like amount subject to the following conditions:-

1. That applicant-accused shall not undertake any action which is prejudicial to proceedings during the course of trial.
 2. That applicant-accused shall attend all the dates during the trial unless prevented by any reasonable cause.
 3. That applicant-accused neither personally nor through anyone make any attempt to influence the witnesses or tamper with the evidence.
 4. That applicant-accused shall not leave India without the prior permission of the Court.
6. However, it is made clear that observations made herein above shall not be construed as an expression on the merits of the main case. Bail application file be tagged with the main case pending in this court for 28.01.2025.

**Pronounced in open Court.
On 14.01.2025.**

**(Raman Goklaney)
(UID No PB0687)
Additional Sessions Judge,
Gurdaspur.**

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Raman Goklaney,
Additional Sessions Judge/Gurdaspur.
Dated : 14.01.2025.