

**IN THE COURT OF JAGMOHAN SINGH SANGHE
ADDITIONAL SESSIONS JUDGE, FAZILKA.
(UID NO.PB0447)**

Case Details

Case Type	BA
Regn. No.	BA/1696/2022 Date of Regn.17.08.2022.
CNR No.	PBFZC0-0039832022.
Date of order	01.09.2022.

1. Gurmeet Singh aged about 57 years son of Diyal Singh;
2. Akashdeep Singh aged about years son of Gurmeet Singh;
3. Sher Singh alias Shamsher Singh aged about 25 years son of Gurmeet Singh;
4. Gourav Kukkar aged about 30 years son of Pappu @ Ramesh Kumar all residents of village Dhippanwali P.S. Arniwala Tehsil and District Fazilka.

...Applicants-accused.

Versus

State of Punjab

...Respondent.

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FIR No.94 dated 07.08.2022.

U/s. 382 IPC.

Police Station Arniwala.

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First Bail application Under Section 438 (i) Cr.PC.

Present: Shri S.S.Mann, Advocate counsel for applicants.
Shri Gurbaj Singh, Additional PP for the State.

ORDER:

1. By this order, this Court intends to dispose off the present bail application under Section 438 Cr.PC having been filed by applicants Gurmeet Singh, Akashdeep Singh, Sher Singh @ Shamsher Singh and Gourav Kukkar.

2. As per allegations on 28.10.2021 while Jaswinder Singh son of Bohar Singh employed as driver by complainant Sukhpreet Singh for his tractor was getting the tractor of complainant bearing registration no.PB22-G-7534 make 265 Mahindra red colour repaired from welding shop of Gurpreet Singh son of Iqbal Singh, it was about 5:00 PM that applicants while being armed with sticks and swords came there and snatched the said tractor from driver Jaswinder Singh and took it away with them. It was on the basis of such allegations that present FIR was registered.

3. Notice of the bail application was served upon the State through learned Additional PP alongwith copy of bail application, who received the same, appeared and contested the bail application on merits. Police record was requisitioned which has been received and perused.

3. I have heard the respective contentions of both the learned Advocates and have perused the record with their able assistance.

4. Learned counsel for the applicants has requested for grant of pre arrest bail to the applicants primarily on the ground of unexplained delay of 10 months in registration of FIR but, this court is not in agreement with such contention of learned counsel for the applicants to grant exceptional relief of interim bail to the applicants from whose possession the said snatched tractor is yet to be recovered. Keeping in view such nature of allegations and pending recovery of the snatched tractor, applicants are found not entitled to the concession of bail under section 438 Cr.PC.

5. Resultantly, this application for bail under section 438 Cr.PC having been filed by the applicants stands dismissed being without merits. Police record be returned and bail application file be consigned to record room.

Pronounced in open Court.
Dated: 01.09.2022.
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(Jagmohan Singh Sanghe),
Additional Sessions Judge,
Fazilka : UID no.PB0447