

**In the court of Kewal Krishan,
Addl. Sessions Judge, Ferozepur (UID No.PB-0182).**

Case Type	Bail Application.
CIS No.	BA/1407/2023.
CNR No.	PBFZ010039392023.
Date of order	01.06.2023.

Neelu aged 35 years son of Prince @ Patras, resident of Bastii Awa,
Ferozepur City, Tehsil and Ferozepur.

.....Accused/Applicant.

Versus

State of Punjab.

.....Respondent.

FIR No.166 dated 25.304.2023 U/Ss: 399/402 IPC. Offence punishable U/s 379, 411 IPC and 61(1) of the Excise Act added later on. Police Station: City Ferozepur.

First application for bail under Section 439 of the Code of Criminal Procedure.
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Present: Sh. Navdeep Soi Advocate, counsel for the applicant.
Sh. Bikramjit Singh Additional Public Prosecutor for the
State with ASI Jang Singh.

ORDER

The accused/applicant has filed the instant application for bail
under Section 439 of the Code of Criminal Procedure. ASI Jang Singh has
produced the record of investigation.

2. Arguments are heard. Learned counsel for the applicant/accused has argued that accused-applicant has been falsely implicated in this case. No recovery was made from him. The alleged recovery is planted upon him. There is no even an iota of evidence on record to connect him with the alleged crime. There are no previous criminal antecedents of the applicant/accused. He is in custody since 25.04.2023. Co-accused Gurpreet Singh and Rajesh Kumar has already been granted regular bail by this court. Completion of investigation, presentation of challan and conclusion of trial will take long time. No useful purpose would be served by detaining him any more in custody. The applicant undertakes to abide by the conditions, if imposed by this Court and he may kindly be granted concession of bail.

3. On the other hand, learned Addl. Public Prosecutor for the State has hotly contested the application and opposed the bail application on the ground that the applicant/accused and co-accused were apprehended by police along with deadly weapons like Kapa, crowbar while making preparations for committing dacoity. One swift car bearing registration No. DL-09 CV-0361, 2 crowbars, 4 Kapas, 4 stolen batteries were recovered from their conscious possession. Thereafter, on the basis of disclosure statement suffered by the applicant/accused, recovery of one stolen big

battery was made. The accused-applicant along with co-accused has committed serious offence. Thus, the applicant is not entitled to get concession of regular bail.

4. This Court has heard the learned counsel for the applicant, learned Addl. Public Prosecutor for the State and perused the record. This FIR was registered on 24.04.2023 against Gurpreet Singh son of Kuldeep Singh, Davinder Singh alias Mintu son of Sarwan Singh, Rajesh son of Jagdish, Neelu (applicant) son of Prince alias Patras, Samual son of Jagdish and Akash son of Billa on the basis of secret information received by the Investigating Officer ASI Harnek Singh to the effect that they have formed a gang and indulge in illegal activities of snatching, dacoity and committing theft in the area and on that day, they were present on Khai Road near bushes in Swift Dezire car with deadly weapons and in case raid was conducted, they could be apprehended with deadly weapons. In pursuance of the secret information, raid was conducted and accused Gurpreet Singh, Davinder Singh alias Mintu, Rajesh, Neelu (applicant), Samual and Akash were apprehended and recovery of swift car bearing registration No. DL-09 CV, 2 crowbars, 4 Kapas, 4 stolen batteries was made. During interrogation, Davinder Singh alias Mintu, Rajesh, Neelu (applicant), Samual and Akash suffered separate disclosure statements, in

pursuance of which accused Davinder Singh got recovered one stolen LCD make Panasonic 42", accused Akash got recovered one stolen LCD make Panasonic 32", applicant/accused Neelu got recovered one stolen big battery and accused Samual got recovered one one battery. Besides, accused Rajesh got recovered stolen 100 bottles of beer and 18 bottles of English wine. Accordingly, offence punishable under Section 379, 411 IPC and 61(1) of the Excise Act was added.

5. The applicant is in custody since 25.04.2023. Completion of investigation, presentation of challan and thereafter its conclusion shall take considerable time. Keeping in view the facts and circumstances of the case, this Court is of the considered view that the applicant is entitled to get concession of bail. Accordingly, the bail application is allowed and the applicant is ordered to be released on furnishing personal bond in the sum of Rs.1,00,000/- (One Lac) with one surety bond in the like amount to the satisfaction of Illaqa Judicial Magistrate/Duty Magistrate, subject to the following conditions:-

1. That the applicant shall not leave the country without the prior permission of the Court;
2. That the applicant shall not threaten the witnesses or tamper with the prosecution evidence in any manner;

3. That the applicant shall regularly attend the hearings before the trial Court.

In case the applicant misuses the concession of bail by absenting from the proceedings without any sufficient and reasonable cause, learned trial court shall be at liberty to cancel the bail order and proceed further under provisions of law. Copy of order be sent to learned Illaqa Judicial Magistrate. **Ahlmad is also directed to send soft copy of this order by e-mail to the concerned Jail Superintendent for compliance of order dated 31.01.2023 of Hon'ble Supreme Court passed in SMWP (Criminal) No.4/2021.** Record of investigation be returned. File of bail application be consigned to the record room.

Announced in open court.

Dated : 01.06.2023.

anil kumar

Stenographer Grade-II

sd/-

(Kewal Krishan)

Addl. Sessions Judge, Ferozepur

(UID No. PB0182)