

IN THE COURT OF DR RAM KUMAR SINGLA,
UID No. PB-0122,
ADDITIONAL SESSIONS JUDGE,
KAPURTHALA.

Bail Application No. 1420 of 17.08.2019

Date of Institution:17.08.2019

CNR No.PBKP01-004050-2019

Date of Decision: 27.08.2019

Lovely, s/o Baldev Raj, aged about 20 years, r/o H. No. 499, Mohalla Ucha
Dhora, Police Station City, Kapurthala.

.... **Applicant/ Accused.**

Versus

State of Punjab

.... **Respondent.**

FIR No.161 of 01.07.2019,
Under Section 379-B of Indian Penal Code,
P.S. City, Kapurthala.

Application for regular Bail under Section 439 Cr.P.C.

Present: Sh. Shamsher Singh, Advocate for the applicant/accused.
Sh. Arvind Sahai, Additional PP for the State.

O R D E R

Police record has been received and perused. **Arguments have been heard** on regular bail of above referred applicant/accused Lovely in the aforesaid FIR No.161 of 01.07.2019 for the offences punishable under Section 379-B of Indian Penal Code, Police Station City, Kapurthala, who is in custody since 02.07.2019.

2. Briefly, the facts and circumstances on record necessary to be mentioned herein for consideration of the present regular bail application of

the applicant/accused are that the present case was registered at the instance of Major Singh (hereinafter called complainant) with the version that on 25.06.2019, he was going towards City Hall Kapurthala from Kanjli Road. It was 09.15 PM, he stopped to attend a call on his mobile phone make Spice, in the meantime, a motorcycle bearing registration no. PB-06-AM-6805 came from his back side with two riders on the same. The rider of the motorcycle slow down the motorcycle and his pillion rider snatched the mobile phone of the complainant and then they both ran away from the spot on their motorcycle. Later on, complainant came to know the name of aforesaid snatchers as Lovely and Harpal. Thereafter, on the basis of secret information, both the accused persons were apprehended in the present case, but as accused Harpal was found minor at the time of his arrest, so, he was produced before the Principle Magistrate, Juvenile Justice Board, Kapurthala and proceedings against him were also separated. However, recovery of aforesaid snatched mobile phone from that Harpal along with motorcycle used by them were effected in the present case. However, one another stolen mobile phone make Samsung was recovered from them. Now, the present applicant is in judicial custody. Aggrieved therefrom, the present applicant/accused has sought his regular bail.

3. The learned counsel for the applicant has argued that the applicant has been falsely implicated in the present case. There is no role of the applicant to that allegations against him. The sufficient period of his custody has already been passed. The presentation of challan and conclusion of trial will take a long time. He could not be detained for indefinite period. Therefore, he is entitled to the concession of regular bail.

4. On the other hand, learned Additional PP for the State has argued that recovery in the present case has already been effected, which has also been identified by the complainant. Accordingly, the applicant is accused to that unwarranted act, so, he is not found deserving the concession of regular bail.

5. **Having heard to their rival contentions** and have gone through the file and in reference to the above detailed facts and circumstances on record, to the entire episode of crime, the alleged recovery in the present case stands already effected and that applicant is in custody since 02.07.2019. The sufficient period of his custody has already been passed. The conclusion of trial will take long time on presentation of challan. The applicant/accused could not be detained for indefinite period. Consequently, he is found deserving the concession of regular bail.

6. Thus, the present regular bail application of the applicant/accused Lovely is hereby allowed with the intimation to the concerned quarter and with the directions to furnish the bail bonds & surety bonds to the satisfaction of the learned Trial Court / Area Magistrate / Duty Magistrate. Police record be returned. This bail application file be consigned to the judicial record room.

Pronounced in open Court.
Dated: 27.08.2019
Kaushal

(Dr Ram Kumar Singla)
Addl.Sessions Judge,
Kapurthala.
UID No.PB0122