

**IN THE COURT OF PUNEET MOHAN SHARMA,
ADDITIONAL SESSIONS JUDGE(UID NO. PB0167)
SHAHEED BHAGAT SINGH NAGAR**

Date of Institution: 11.02.2020

Date of Decision: 13.02.2020.

CNR No.PBSB01-000602-2020

Ajay Devgan Versus State of Punjab

FIR No. 17 Dated 08.02.2020.

U/s 380/457/120-B of IPC

P.S. Rahon.

Present: Sh. Karandeep Singh Kahlon, Advocate, counsel for applicant
Ajay Dewgan.

Sh. Varinder Kumar, Addl. PP for the State .

Bail Application U/S 438 of Cr.P.C.

ORDER:

1. Heard. Vide this order, I shall dispose of bail application U/S 438 Cr.P.C. for grant of anticipatory bail filed by applicant Ajay Devgan in FIR No.17 dated 08.02.2020, U/s 380/457/120-B of IPC, P.S. Rahon.

2. Briefly, the facts of the case are that the present FIR was registered against him on the basis of the statement made by Paramjit Kaur Central School Head Teacher of Government Primary School with

(Puneet Mohan Sharma, ASJ,SBS Nagar UID No.PB0167)

the allegations that on 20.01.2020, when she came to school, she found that the door of the kitchen where the mid day meal is prepared, was lying opened and a cylinder was missing from the kitchen. During this period, a Cylinder was also stolen from the room of Anganwari Center on 05.02.2020 and it was found that both the cylinders were stolen by Inderjit Singh @ Jotta , Malkiat Singh and Ajay Devgan @ Batta . Now apprehending his arrest, applicant Ajay Devgan moved this application U/S 438 of Cr.P.C.

3. Notice of this bail application was issued to the state but no reply has been filed. However, the bail application has been contested by the Ld. Addl.P.P for the state.

4. I have heard ld. counsel for the applicant/accused and Ld. Addl.P.P for the state and gone through the record produced by the Investigating Officer of the case.

5. Ld. counsel for the applicant/accused contended that the applicant/accused has been falsely implicated in the present case as no theft has been committed by him nor he was present on the spot. Ld. counsel further argued that the applicant/accused has been named in this case on the basis of suspicion and in the end prayed for releasing the applicant/accused on anticipatory bail.

6. On the other hand, Ld. Addl.P.P for the state opposed the bail application and contended that the investigating agency require the custodial interrogation of the applicant to reach at the roots of the case and recovery of the remaining stolen cylinder and prayed for dismissal of the bail application.

7. Perusal of the record shows that the applicant was not seen by anyone while committing the offence but named on the basis of the suspicion by the complainant . Even otherwise, the recovery of one of stolen cylinders has been made in the present case. The name of the applicant has figured in this case only on the basis of suspicion. Moreover, the veracity and the weightage of the allegations levelled against the applicant would only be adjudicated at the time of trial. The applicant is also ready to join the investigation. As such, I do not find any reason to decline the relief of anticipatory bail to the applicant/accused. Accordingly, the application filed by the applicant U/S 438 of Cr.P.C is allowed with the direction to join the investigation within 7 days and on doing so, in the event of arrest of the applicant/accused, he shall be released on bail to the satisfaction of Investigating Officer/Arresting Officer subject to compliance of conditions U/S 438 (2) Cr.P.C. The observations made by this Court while deciding this bail application are only for the limited purpose of adjudication of the present bail application

and, as such, are not to be construed as an expression on the merits of the case (criminal trial). Record be returned. Papers/bail application be consigned to the record room.

Pronounced:
13.02.2020.
(mahesh)

(Puneet Mohan Sharma)
Addl. Sessions Judge (UIDNo.PB0167)
SBS Nagar