

**IN THE COURT OF PARMINDER SINGH GREWAL,
ADDITIONAL SESSIONS JUDGE (UID NO.PB0438),
SAS NAGAR**

CNR No. PBSA0100-3942-2023

CIS No. BA-1467-2023

Date of Institution: 12.05.2023

Date of Order: 19.05.2023

Nitin Kumar, aged about 31 years, son of Vinesh Kumar, resident of Sitto Bypass, New Kailash Nagar, Abohar, District Fazilka, Punjab.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

FIR No.96 dated 31.03.2023

Under Sections 382, 379-B, 506, 34 of IPC and Section 25 of Arms Act.

Police Station Zirakpur, District SAS Nagar.

**FIRST REGULAR BAIL APPLICATION UNDER
SECTION 439 OF CR.P.C.**

Present: Mr. Varinder Singh, Advocate for the petitioner.
Mr. Bharpur Singh, Additional P.P. for the State assisted by
SI Jaswant Singh.

ORDER

1. This order of this Court shall dispose of the present bail petition filed in case FIR No.96 dated 31.03.2023 under Sections 382, 379-B, 506, 34 of IPC and Section 25 of Arms Act registered at Police Station Zirakpur, District SAS Nagar for releasing the present petitioner on regular bail under Section 439 of Cr.P.C.

2. Learned counsel for the petitioner has submitted that the

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present petitioner was arrested by the police on dated 01.04.2023 and he has been in judicial custody since 03.04.2023. He has further argued that the present petitioner has been falsely implicated in the present FIR case. He has further argued that the alleged recovery has already been effected and nothing is to be recovered from the petitioner. He has, thus, prayed that the present bail petition may kindly be allowed.

3. On the other hand, Learned Additional P.P. for the State on instructions from SI Jaswant Singh has submitted that the petitioner alongwith his other accused is alleged to have snatched the mobile phone and purse containing Rs.2500/- and other documents and had fraudulently transferred Rs.95,000/- from the bank account of the complainant to their bank account through online transaction. He has, thus, prayed for dismissal of the present bail petition.

4. This Court has heard Learned counsel for the petitioner as well as Learned Additional P.P. for the State and perused the investigation record with their able assistance.

5. This Court is of the considered opinion that as per the allegations levelled against the present petitioner and his other co-accused in the present FIR case, the complainant has taken the lift in the car on dated 31.03.2023 at about 7.45 AM, when the complainant was waiting for some vehicle near Chhat Light Point, Peer Baba Mazar, Zirakpur and after traveling in the aforesaid car, the car driver had taken U-Turn from Toll Plaza, Ajizpur, while telling the complainant that they have to go

through the villages to save toll plaza fees. It has been further alleged that thereafter, the person, who was sitting on the adjoining seat of the driver seat, sat on the rear seat of the aforesaid car with the complainant and had beaten the complainant and threatened the complainant with knife and snatched the mobile phone Oppo of the complainant and thereafter, the purse containing Rs.2500/-, two credit cards, two debit cards, aadhar card and PAN card and passport size photos of the complainant were also snatched from the complainant and Rs.95,000/- were also transferred through online application from the mobile phone of the complainant to their bank account by the accused.

Furthermore, this Court is of the considered view that the petitioner has already suffered the custodial interrogation as he was arrested in this case on dated 01.04.2023 and he has been in judicial custody since 03.04.2023. Furthermore, the investigation of this case is at its initial stage and conclusion of trial is likely to take up considerable time and therefore, no useful purpose will be served by keeping the present petitioner in further judicial custody.

6. In view of reasons discussed herein before, the bail petition filed by the present petitioner under Section 439 Cr.P.C. is hereby allowed and the present petitioner is directed to be released on regular bail under Section 439 Cr.P.C. on his furnishing bail bonds/surety bonds to the satisfaction of the Learned CJM/Area Magistrate/Duty Magistrate concerned.

7. The opinion expressed herein above shall not be construed as an expression of opinion on the respective merits of the case and the same shall be construed as the opinion expressed for deciding this bail petition only. Investigation record be returned. File be consigned to the record room.

Pronounced in open Court.
Dated: 19.05.2023

Tajinder Singh

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