

**IN THE COURT OF MS. SMRITI
ADDL. SESSIONS JUDGE, SANGRUR.
(UID No. PB0518)**

Registration No.4783/2019.

CNR No. PBSG01-006915-2019.

Decided on 29.07.2019.

Manoj Kumar, aged 20 years son of Sh. Rajinder Kumar, resident of H.No.175 Ward No.4, Ahmedgarh, Tehsil Malerkotla, District Sangrur (now confined in Sub Jail, Malerkotla).

Versus

...Accused/Applicant.

State of Punjab.

....Respondent.

FIR No.07 dated 26.01.2018.
Under Section 457,380, 511,427 IPC.
Police Station Sadar Ahmedgarh.

Application under Section 439 Cr.P.C.

Present: Shri Moshin Ali Shah, Advocate, counsel for applicant.
Shri Hussan Bansal, Addl. PP for the State .

ORDER:

1. This order of mine shall dispose of regular bail application filed on behalf of accused/applicant Manoj Kumar, in FIR No.07 dated 26.01.2018, under Section 457,380,511,427, IPC, Police Station Sadar Ahmedgarh.

Smriti Dhir
ASJ,Sgr. 29.07.2019.

2. Notice of the bail application was issued to the State through learned Addl.PP and the record has been requisitioned.

3. The prosecution version as unfurled from the FIR are that complainant Rajinder Kumar, Bank Manager, Punjab National Bank alleged that there is ATM Kiosk of Punjab National Bank adjacent to their Bank which they normally close at 6.00 P.M. It was alleged that Bank Manager received telephonic call at 7.30 AM by some unknown person, who intimated the complainant that the ATM of their Bank has been damaged. Since it was the National holiday due to 26th January and the complainant called his Assistant Manager and intimated him about the breaking of the ATM and on reaching the spot, it is found that some persons had tried to cut the ATM machine with the gas cutter with an intention to steal the cash. There has been destruction of the ATM machine but thieves have failed to steal the cash from the ATM machine. Hence, FIR.

4. The ld. Addl.PP has contested the bail application on the ground that in an FIR No.24 dated 03.02.2019, under Sections 399, 402 IPC and 25/54/59 Arms Act P.S.Samrala, during interrogation the present accused was nominated in the FIR No.07 dated 26.01.2018, under Sections 457, 511, 427, 380 IPC, P.S.Sadar Ahmedgarh on 30.03.2019. The learned Addl.PP submitted that the present accused is involved in number of cases and is a member of gang of thieves. The allegations against the accused are serious in nature. On these grounds he has prayed for dismissal of the bail application.

5. The learned counsel for the applicant submitted that the applicant is totally innocent and has not committed any offence. He has contended that no embezzlement as alleged in the FIR by the applicant was committed. The name of the applicant is not mentioned in the FIR. He has argued that applicant is in custody since long. The presentation of the challan and conclusion of the trial will take sufficient long time and no useful purpose would be solved by detaining the applicant under incarceration. On the said grounds prayer was made for grant of bail.

6. Police diary perused. Perusal of the same shows that the present applicant was arrested in the FIR under Sections 399,402 IPC at P.S.Samrala and during interrogation he was nominated in the present FIR. On asking about the criminal antecedents of the present applicant the learned Addl.PP submitted that there are three cases pending against the present accused. The conclusion of investigation is likely to take some time and the present applicant belong to a gang of thieves and chances of abscondance of the present applicant from the process of court and chances of applicant dissuading the witnesses cannot be ruled out. There are other cases pending against the present applicant. It is pertinent to mention here that regular bail application of co-accused Hardeep Singh @ Musa has been dismissed by this Court vide order dated 27.05.2019. Seeing the nature and gravity of offence, no ground is made out to release the applicant on bail. Accordingly, the present bail application is dismissed.

Anything stated herein-before will not be construed as

opinion on the merits of the case.

Police record be returned. File be consigned to record room.

Pronounced in open Court on 29.07.2019. Smriti Dhir
Kulwant Singh Stenographer-1. Additional Sessions Judge
Sangrur(UID NO.PB0518.)

