

In the Court of Mrs. Anjana, Additional Sessions Judge,  
Moga.

BA No.294 dated 18.08.2020  
CIS No.BA/1529/2020  
CNR No.PBMO01003268-2020  
Date of Decision: 21.09.2020

State of Punjab

Versus

Billa son of Pappu Ram resident of Mohalla Rampura, Near Railway  
Lines, Jagraon, District Ludhiana.

...Accused/Applicant

And

BA No.319 dated 09.09.2020  
CIS No.BA/1706/2020  
CNR No.PBMO01003616-2020  
Date of Decision: 21.09.2020

State of Punjab

Versus

Balvir Singh alias Bira son of Hakam Singh resident of Mohalla Rampura,  
Near Railway Line, Jagraon, District Ludhiana.

...Accused/Applicant

FIR No.115 dated 10.07.2020  
Under sections 379-B, 411 IPC,  
P.S. Nihal Singh Wala.

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(Bail applications u/s 439 Cr.P.C.)

Present: Sh. R.K.Goyal, Advocate for applicant/accused Billa  
Sh. Satnam Singh, Advocate for applicant/accused Balvir  
Singh alias Bira  
Mrs. Gunwantjit Manesh Addl.PP for the State

### ORDER

1. Virtual court room set up through Vidyio App. Learned

Addl.PP for State is online from her office. By this common order, two bail applications, bearing bail application No.294 dated 18.08.2020 preferred by applicant Billa and bail application No.319 dated 09.09.2020 preferred by applicant Balvir Singh alias Bira shall be decided together as both are arising out of the same FIR No.115 dated 10.07.2020 Under sections 379-B, 411, IPC, registered at, P.S. Nihal Singh Wala.

2. In pursuance of the notice of the bail application having been issued, learned Addl.P.P. for the State Mrs.Gunwanjit Manesh has put in appearance through video conferencing. Lower Court file received and perused.

3. The learned counsel appearing on behalf of the applicant/accused Billa has vehemently argued that accused/applicant has been falsely implicated in this case. The accused/applicant and other co-accused are not known to the complainant and they never met her but the complainant has mentioned the names of all the accused alongwith their addresses. Moreover, there is a delay of one day in lodging the FIR. In fact, on 10.07.2020, the accused/applicant alongwith Satnam Singh was coming from village Raniya near Nihal Singh Wala after seeing their relatives and when they reached near Grain Market, Nihal Singh Wala, two police officials were standing there and were checking the papers of vehicles. The accused/applicant and Satnam Singh were stopped by those officials for checking the papers of motorcycle and after checking all the papers, they asked the accused/applicant and Satnam Singh that their complete papers will be checked in police station Nihal Singh Wala, where they were brought and after that without any fault at their hands, they were detained there and on the same day, this false FIR has been planted upon them and others. The applicant never snatched the alleged amount of Rs.2000/- from the complainant and moreover, the alleged place of occurrence is a very busy road and no one can do such type of incident there. No recovery has been effected from the accused/applicant. The accused/applicant is in judicial custody since 11.07.2020. It will take long time to put in the challan in the court and to conclude its trial and no useful purpose would be served by detaining the applicant/accused further behind the bars. The accused/applicant will abide by all the terms and conditions as imposed by this court. Lastly, prayer has been made for

acceptance of the bail application.

4. The learned counsel appearing on behalf of the applicant/accused Balvir Singh alias Bira has vehemently argued that accused/applicant has been falsely implicated in this case. No recovery has been effected from the accused/applicant as alleged by the prosecution. The accused/applicant is in judicial custody since 10.07.2020. It will take long time to put in the challan in the court and to conclude its trial and no useful purpose would be served by detaining the applicant/accused further behind the bars. The accused/applicant will abide by all the terms and conditions as imposed by this court. Lastly, prayer has been made for acceptance of the bail application.

5. On the other hand, learned Addl.P.P. for the State vehemently opposed the contentions raised by the learned counsel for accused/applicants and argued that serious offences has been committed by the accused/applicants. Thus, due to gravity and seriousness of offence, present accused/applicants do not deserve the concession of regular bail. Lastly, prayer has been made for dismissal of bail application.

6. After giving my careful and thoughtful consideration to the rival contentions and on careful perusal of averments of application, contents of FIR coupled with the duly assistance rendered, the Court is of the considered view that present bail application merits acceptance. Perusal of file reveals that present case was registered on the statement of complainant Mukand Kaur on the allegations that on 09.07.2020, after withdrawing an amount of Rs.2000/- from SBI Branch Nihal Singh Wala, she was returning to her home and at about 1.00 PM, when she reached opposite Punjab and Sind Bank, Nihal Singh Wala, in the meantime, accused/applicant Billa and his companion co-accused Satnam Singh alias Ghanta son of Jagsir Singh residents of Mohalla Rampura, near Railway Lines, Jagraon came on motorcycle and after seeing her, they had turned their motorcycle and in the meantime, accused/applicant Balvir Singh and his wife Madhu alias Bindu (co-accused) had also reached at the spot on their Scooty and they started talking with her and at that time, accused/applicant Billa has snatched Rs.2000/- from her and accused/applicant Balvir Singh and his wife (co-accused) had also snatched gold ear ring from her ear and thereafter, all the accused fled

away from the spot on their vehicles. From the perusal of lower court file, it reveals that the recovery of stolen articles has already been effected from present accused/applicants. Accused/applicants are in judicial custody since 10.07.2020. The presentation of challan and conclusion of trial thereof will take sufficient long time. No useful purpose would be served by detaining the accused/applicants in judicial custody for indefinite period. As such, present bail application stands allowed and the accused/applicants are ordered to be released on bail on their furnishing bail bonds to the tune of Rs.50,000/- with one surety each in the like amount to the satisfaction of learned Illaqa Magistrate/Duty Magistrate subject to the conditions that accused/applicants will appear in Court on each and every date of hearing and will not leave the country without prior permission of the Court. A copy of this order alongwith trial court record be returned back forthwith. A copy of this bail order be placed in Bail application No. 319 dated 09.09.2020 preferred by applicant Balvir Singh alias Bira. Files be consigned to the Record Room.

Pronounced;  
Dated: 21.09.2020  
*(Sunny Stenographer II)*  
*(Direct Dictation)*

(Anjana)  
Additional Sessions Judge,  
Moga. **(UID No.PB-0448)**

Present: Sh. R.K.Goyal, Advocate for applicant/accused  
Mrs. Gunwantjit Manesh Addl.PP for the State

Arguments heard through VC. Vide my separate order of even date, the present bail application stands allowed, for the reasons as indicated therein. A copy of this bail order be placed in Bail application No. 319 dated 09.09.2020 preferred by applicant Balvir Singh alias Bira. A copy of this order alongwith trial court record be returned back forthwith. File be consigned to the Record Room.

Pronounced;  
Dated: 21.09.2020  
*(Sunny Stenographer II)*

(Anjana)  
Additional Sessions Judge,  
Moga. ***(UID No.PB-0448)***

Present:- Sh. Satnam Singh, Advocate for applicant/accused  
Mrs. Gunwantjit Manesh Addl.PP for the State

An application for adding the offence under Section 411 IPC in the bail application has been received through email. It be attached with hard copy as and when presented. In view of the reasons mentioned in the application, the present application is allowed and Reader of this Court is directed to add the offence under Section 411 IPC in the head note of the bail application with red ink.

Arguments heard through VC. Vide my separate order of even date passed in Bail application No.294 dated 18.08.2020 titled as State Vs. Billa, the present bail application stands allowed, for the reasons as indicated therein. File be consigned to the Record Room.

Pronounced;  
Dated: 21.09.2020  
*(Sunny Stenographer II)*

(Anjana)  
Additional Sessions Judge,  
Moga. ***(UID No.PB-0448)***