

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

Bail Application No.85 of 2018

Date of institution:22.02.2018

CIS No.BA/1476/2018

CNR No.PHL010040782018

Date of Decision: 07.04.2018

State	Versus	Mandeep Singh alias Prince son of Satwinder Singh, resident of Street No.8, road, Mundian	Gobind Nagar, 33 Futta Kalan, Ludhiana.
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..... Accused/applicant.

FIR No.56 dated 01.06.2017

Under sections 379-B IPC

P.S. S.B.S. Nagar Ludhiana.

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

Present: Shri Sanjeev Malhotra Advocate, for applicant.
Sh.Dinesh Kumar, Addl.P.P. for the State

ORDER

1. This order of mine shall dispose of the bail application filed by the above referred applicant under section 439 Cr.P.C. in a case bearing FIR No.56 dated 01.06.2017, Under sections 379-B IPC, P.S. S.B.S. Nagar Ludhiana.
2. In pursuance of the notice of the bail application having been issued, learned Addl.P.P. for the State Sh.Dinesh Kumar has put in appearance. Record has been perused.

3. The learned counsel for the applicant has vehemently argued that the applicant has been falsely

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implicated in the present case. No offence as alleged in the FIR has ever been committed by the applicant. No case is made out against the applicant. The applicant is in judicial custody. The presentation of challan will take sufficient time. No useful purpose will be served by detaining the applicant behind bars. The applicant/accused is ready to abide by all the terms and conditions if imposed by the court. Lastly, prayer has been made that the application for regular bail may be allowed.

4. On the other hand, learned APP for the State has totally opposed the contentions of learned counsel for the applicant/ accused. Thus, due to gravity and seriousness of the offence, the accused/applicant should not be given the concession of bail at this stage. Lastly, prayer is made for dismissal of the bail application.

5. After giving my careful consideration to the rival submissions and on careful perusal of averments of the application, contents of FIR, record of police coupled with due assistance rendered, this court finds merit in the submissions put forth by learned counsel for applicant, the present bail application merits acceptance. Perusal of file reveals that present case was registered on the statement of complainant Amandeep Kaur on the allegations that two

persons came on motorcycle and snatched her purse containing her mobile phone, PAN Card and Rs.50,000/- in cash.

6- From the perusal of record, it has come into my

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notice that the present accused/applicant was arrested in this case on 29.01.2018. Presentation of challan and conclusion thereof is likely to take considerable time. Therefore, no useful purpose will be served if the present accused/applicant will be detained behind the bars any more. As per the guidelines laid down by Hon'ble Apex Court in case titled as “**Sanjay Chandra Vs. CBI 2012(1) SCC 40**”, it has been made abundantly clear that the object of bail is to secure the presence of the accused person at the trial. The object of bail is neither punitive nor preventive. The jurisdiction to grant bail has to be exercised on the basis of well settled principles having regard to the circumstances of the case, the nature of accusation, the evidence to be led in support thereof, the severity of punishment, the character and behaviour of the accused, reasonable apprehension of tampering with the evidence, reasonable possibility of securing the presence of accused during the trial, the larger interest of public and state. Thus, when the above said yardstick are applied to the case in hand, the court finds merit in the submissions put forth by the learned counsel for the applicant. Thus, taking into the totality of the facts and

circumstances of the present case, the bail application is hereby allowed. The criminal liability, if any against the applicant, can be determined after holding the regular trial. As such no useful purpose will be served by keeping the applicant behind the bars for an indefinite period. The applicant/accused

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is hereby admitted to bail on his furnishing bail bond in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of learned Illaqa/Duty Magistrate/Trial Court with the directions that the present applicant shall not leave the country without the prior permission of the court and shall not tamper with the prosecution evidence to this slightest. Anything said in this order shall not affect the merits of main trial, in any manner. Police record be returned and bail application be consigned to the record room.

Pronounced;
Dt;07.04.2018
*Baljinder Stgr.I

(Anjana)
Additional Sessions Judge,
Ludhiana.

Unique Identification Code No.PB-0448