

**IN THE COURT OF SH.JASPAL VERMA,
ADDITIONAL SESSIONS JUDGE,
(UID:PB0136)
MANSA.**

Bail application No.727 dated 19.12.2017
CIS No. BA/1588/2017
CNR No.PBMN010038682017
Date of Order: 4.01.2018

Gurdeep Singh aged about 55 years son of Hans Raj, resident of village Nangal Kalan, District Mansa; Now in judicial custody at District Jail, Mansa.

...Applicant/Accused.

Versus

State of Punjab

FIR No.80 dated 25.08.2017,
Offence U/S 436,427,148,149,120-B,188 IPC
read with section 3(I)(II) of the Prevention of Damages
to Public Property Act, 1984 and section 3,4 of
Explosive Substances Act 1908,
Police Station: Kot Dharmu
District: Mansa.

Application for grant of bail under Section 439 Cr.P.C.

Present: Sh.P.S.Sidhu, Advocate for the applicant-accused.
Sh.T.S.Sidhu, Addl. PP for the State.

ORDER

The present bail application has been filed by the applicant-accused Gurdeep Singh of Hans Raj to release him on regular bail in this case bearing FIR No.80 dated 25.08.2017 for the offences under section 436,427,148,149,120-B,188 IPC read with section 3(I)(II) of the Prevention of Damages to Public Property Act, 1984 and section 3,4 of Explosive Substances Act 1908 registered against him and others in

Police Station Kot Dharmu, District Mansa wherein it is submitted that the accused has nothing to do with the said offence. He is innocent and has been falsely implicated in this case. His name was not named in the FIR and no overt act is attributed to him. He was not present at the spot as alleged. He was apprehended on 16.09.2017 on the basis of surmises and conjectures in the absence of any legal evidence against him and since then he is in judicial custody. He has been falsely implicated in this case and story as concocted in the FIR is totally false and fabricated. The disposal of the challan is likely to take considerable time. So he be released on regular bail.

2. Notice of the bail application was given to Addl. PP for the State who appeared and orally contested the bail application. Record was also produced from police station Kot Dharmu by ASI Ranjit Singh.

3. I have heard the learned counsel for the applicant/accused, learned Addl. PP for State and perused the police file.

4. Allegations as per the FIR are that Baljit Singh son of Godha Singh, resident of village Ramditdewala made statement before the police that he is working as a Salesman in Petrol Pump which is owned by Vipin Kumar son of Sohan Lal located at Boghi Walaiti Wali Street, Mansa and at about 03.45 pm on 25.08.1987, when he was standing there on the Petrol Pump, 17-18 unknown persons came on motorcycles on the petrol pump and they were armed with Kirpans. They were shouting in loud voice that the Government has wrongly convicted their Guru Sirse Wala. Then one person out of them took out petrol bottle and sprinkled the same on the Diesel Pump Machine of the Petrol Pump and lit fire. In the

meantime, other persons also started damaging the other Petrol Pump Machine and office and thereafter went away from the spot on their motorcycles. They caused loss of Rs.2 lacs to the petrol pump machinery and action be taken against them.

5. Now learned counsel for the applicant-accused has contended that the applicant/accused is innocent and no offence has been committed by him and he is in custody since 16.09.2017 and since disposal of the challan is likely to take considerable time, so he be released on bail. However, from the documents on record, it is found that the present case has been registered against the applicant-accused for the offences under section 436,427,148,149,120-B,188 IPC read with section 3,4 of the Prevention of Damages to Public Property Act, 1984 and section 3,4 of Explosive Substances Act 1908 (added lateron) and these offences are very grievous in nature. Perusal of the copy of the FIR as well as police file shows that even though the applicant-accused is not specifically named in the FIR but lateron his name has surfaced during investigation. The present applicant-accused along with his co-accused has caused damage to the machines of the petrol pump by putting petrol and fire on 25.08.2017 and caused loss to the tune of Rs.2 lacs. The applicant-accused was allegedly causing damage to the public and private property for the reason that verdict has been given by the Court against the Dera Head, Dera Sacha Sauda, Sirsa and that day he had become violent. It is also common well known fact that on 25.08.2017, many miscreants had succeeded in causing damage to the public as well as private property by using petrol bottles which is an inflammable substance for which even

curfew had to be imposed in the District and judicial notice of the same can be taken. Many innocent people lost their lives and the property of the nation worth crores of rupees was destroyed in the act of such like people at many places in the State and adjoining States. In these circumstances of the case, in my view, the offence committed by the applicant-accused Gurdeep Singh is serious in nature and moreover, offence under section 3 of Explosive Substance Act 1908 is punishable with imprisonment which may be extended for life. So no ground is made out to release the applicant-accused on regular bail in this case. Bail application filed on behalf of the applicant-accused Gurdeep Singh is therefore ordered to be dismissed. Police record be returned. Bail application file be consigned to record room.

Pronounced: 4.01.2018

Raj/SG-1

(Jaspal Verma)
Addl. Sessions Judge,
UID:PB0136
Mansa.

Gurdeep Singh Vs. State of Punjab

Present: Sh.P.S.Sidhu, Advocate for the applicant-accused.
Sh.T.S.Sidhu, Addl. PP for State.

Police record produced ASI Ranjit Singh, Police Station, Kot
Dharmu. Arguments heard. Vide my separate detailed order of even date,
the present bail application is hereby dismissed. Police record be returned.
Bail application file be consigned to record room.

Pronounced: 4.01.2018

Raj/SG-1

(Jaspal Verma)
Addl. Sessions Judge,
UID:PB0136
Mansa.