

**IN THE COURT OF SH. YUKTI GOYAL,
ADDITIONAL SESSIONS JUDGE, JALANDHAR
(UID No. PB0220)**

CIS Case No :	BA-1587-2024
CNR No :	PBJL01004940-2024
Date of Institution :	3.4.2024
Date of Order :	5.4.2024

Tirath Ram aged about 33 years son of Piara Lal resident of village
Ismailpur, P.O. Umrewal, Billa, Police Station Mehatpur, Tehsil Nakodar,
Distt. Jalandhar.

...Applicant/accused

Versus

State of Punjab

(First application for bail under Section 438 Cr.P.C.)

FIR No.33 dated 31.3.2024
Under Sections: 379-B, 120-B, 411 IPC
P.S. Nakodar City, Jalandhar.

Present: Sh. Inderjit Singh Aujla, Advocate for the applicant/accused.
Sh. Anil Gill, Addl.PP for the State.

ORDER

1. This order will dispose of bail application under Section 438
Cr.P.C. to release the applicant/accused on bail in the event of his arrest,
in FIR No.33 dated 31.3.2024 under Sections 379-B, 120-B, 411 IPC
registered at Police Station Nakodar City, moved by the applicant/
accused.

Yukti Goyal
ASJ/Jalandhar
Dated:5.4.2024

2. Upon notice, Ld. Addl.PP appeared on behalf of State.

3. Before moving further, it would be appropriate to briefly narrate the prosecution story, which is to the effect that the present FIR was registered on the statement of complainant Balwinder Kaur wife of Mangat Ram, resident of village Jakopur, Distt. Jalandhar. As per the complainant, on 31.3.2023 at about 11.30 a.m., she along with her son-in-law namely Ajay Kumar, was returning from Kamal Hospital, Jalandhar, after taking medicine and when she was standing near bridge Jalandhar bypass, Nakodar, three youths came on a motorcycle make Platina bearing registration No.PB-08-FH-6933. As per the complainant, the pillion rider snatched her mobile phone make Redmi and fled towards Shankar Chowk, Nakodar. Further as per the complainant, the said motorcycle make Platina bearing registration No.PB-08-FH-6933 was found to be registered in the name of Keshav son of Gurdeep Chand resident of Smailpur, Distt. Jalandhar and she was confident that her mobile phone was snatched by Keshav along with two unknown youths. Lastly, complainant prayed for taking action against the culprits. During investigation, accused Keshav was arrested on 31.3.2024 and Hans Raj alias Gora was arrsted on 1.4.2024, whereas Tirath Ram was nominated in the present case, on the basis of disclosure statement of accused Keshav.

4. Ld.Counsel for the applicant/accused argued that applicant/accused is innocent and has been falsely implicated in the

present case. Ld.Counsel for the applicant/ accused further argued that nothing is to be recovered from the applicant/accused and he is ready to join investigation. Lastly, it is prayed that bail application may kindly be allowed and the applicant/accused be released on bail.

5. On the other hand, Ld.Addl.PP for the State contended that offences attributed to the applicant/accused are very serious in nature and no leniency is required in such like matters. Hence, prayed for dismissal of the bail application.

6. I have heard Ld. Counsel for the applicant/accused and Ld. Addl.PP for the State and also gone through the record.

7. As per the case of prosecution, on 31.3.2023, in the area of Jalandhar Bypass, Nakodar, accused Keshav along with two persons, came on a motorcycle make Platina bearing registration No.PB-08-FH-6933 and snatched mobile phone make Redmi from the complainant Balwinder Kaur. During investigation of this case, mobile phone as well as motorcycle bearing no.PB-08-FH-6933 were recovered from the accused. Complainant of the case has duly identified her mobile phone as well as the accused who stands already apprehended. There are specific allegations that there were three persons, when the occurrence in question has taken place with the complainant. Applicant/accused has been named by accused Keshav during investigation. Thus, there are specific allegations against the applicant/accused which are serious in nature. In

these facts and circumstances of the present case, this Court is of the considered view that for thorough probe into the matter, custodial interrogation of the applicant/accused is redquired in the present case. So in these circumstances, taking into consideration the seriousness of allegations, no exceptional circumstances are made out to release the accused on pre-arrest bail. The concession of bail under Section 438 of Code of Criminal Procedure is of extra ordinary character and the same is to be exercised sparingly and in exceptional circumstances but the applicant/accused has not been in a position to make out a case for the grant of the same in his favour. So, in the light of above said facts and circumstances and taking into consideration the nature and gravity of the offence, no exceptional circumstances are made out to release the applicant/accused on anticipatory bail. Hence, the bail application in hand is dismissed. It is made clear that any of the observations made herein above while disposing of this bail application shall not be construed as opinion of the undersigned on the merits of the case. Police record be returned immediately. Record of this bail application be consigned to Sessions Court record room, Jalandhar.

Date of Order: 5.4.2024

Rajinder Kumar, J.W

(Yukti Goyal)

Addl. Sessions Judge-VIII
Jalandhar/UID NO.PB0220

Yukti Goyal
ASJ/Jalandhar
Dated:5.4.2024