

CNR No. PBFZ0100-4043-2019
B.A. RBT No.399 of 27.08.2019/4.9.19
CIS No.BA-1586/2019
Date of Order: 07.09.2019

(Application for bail under Section 438 of Cr.P.C)

—

Present: Sh. I.S. Ghallu Adv., counsel for applicant/accused.

Sh. Rajiv Chaudhary, Addl.PP for the State.

O R D E R

1. Heard on the bail application moved by applicant/accused Vikram, under Section 438 of Cr.P.C, pertaining to FIR No.104, dated 31.05.2019, under sections 379,411 IPC, Police Station, Sadar Ferozepur, wherein learned Additional PP for the State has opposed the same on the ground that there are serious allegations against the applicant/accused.

2. Perusal of the FIR as well as police record shows that the present case has been registered on the basis of secret information that main accused/non-applicants namely Sukha Singh and Nikka Singh alongwith other unknown persons are in the habit of stealing wheat, bardana from the different places.

3. Afterwards application moved by one private person, who is

commission agent with the allegation that 39 bags each bag containing 50 Kgs of wheat has been stolen from his shop and resultantly raid was conducted and recovery has been effected from the house of Sukha. Afterwards, during investigation both co-accused/non-applicants Sukha and Nikka made disclosure statement that they alongwith applicant/accused, who is the owner of the alleged Canter, transported the alleged wheat.

4. While taking into consideration the aforesaid factual position when name of the applicant/accused is not mentioned in the FIR and recovery in the present has already been effected; alongwith the fact that his name has come subsequently, on account of disclosure statement made by main accused/non-applicant, although with the allegation that Canter of the applicant/accused was used in transportation of the alleged stolen wheat, which is matter of evidence whether the same Canter has been used, with the permission of the applicant/accused; alongwith the fact that there are no chances of tampering of prosecution evidence and no possibility of the applicant/accused to flee from justice, therefore, in the event of arrest of applicant/accused in the case in hand, he shall be released on interim bail to the satisfaction of Arresting Officer/Investigating Officer. The

applicant/accused shall comply with the provisions of section 438 (2) Cr.P.C and he shall join the investigation pertaining to the case in hand within 07 days from today.

5. Now to come up on 16.09.2019 for further proceedings and consideration. Anything said in this order shall not affect the merits of the main trial in any manner. Police record be returned and the same be again produced on the date fixed.

Pronounced in open Court.
Dated: 07.09.2019
yashpaul

Sd/- (Sachin Sharma)
Addl.Sessions Judge,
Ferozepur