

**IN THE COURT OF MAHESH GROVER,
UID NO. PB-0243
ADDITIONAL DISTRICT & SESSIONS JUDGE,
BATHINDA.**

CNR No: PBBT010051972024
CIS No: BA-1605-202406
Date of Order: 08.05.2024

State	Versus	Shehbaz alias Mohammad Shehbaz, aged about 25 years, son of Saleem alias Mohammad Saleem, resident of colony Malerkotla Mohalla, Nawab colony, Raikot Road Malerkotla.
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FIR No.39 dated 12.03.2024
under Sections: 382,384,506,120-B of IPC.
Police Station: Canal Colony, Bathinda.

Bail application under Section 439 Cr.P.C.

Present: Sh. H.S. Khara, Advocate for applicant/accused Shehbaz
alias Mohammad Shehbaz.
Sh. M.S. Sidhu, Addl.PP for the State.

ORDER:

1. Vide this order, I will dispose of this bail application under Section 439 Cr.P.C filed by accused/applicant Shehbaz alias Mohammad Shehbaz in the afore mentioned case.
2. Notice of the bail application was given to the respondent and

learned Addl. PP has appeared for the respondent/State. Police record is produced and perused.

3. The facts in brief as are necessary for just and effective disposal of the present bail application are that the present case has been registered on the basis of statement of complainant Tola Ram to the effect that he is a truck driver. On 11.03.2024, he was going to Bikaner and at about 12:30 p.m., when he reached at Kissan Chowk, Ring Road, Bathinda, then one unknown girl signaled him to stop and he stopped the truck thinking that she may be a traveller. The said girl sat in the truck and thereafter she gave a signal to her companions and two unknown persons also entered in the truck and they asked him to take out whatever he has, otherwise they would implicate him in false case. They also scuffled with him. He was scared to hear this and thereafter, the said persons got transferred Rs.10,000/- from his mobile No.96368-93410 to their mobile No.88473-06852 through Phone-Pay App, then Rs.100/- and then Rs.5000/- also and they also snatched Rs.2000/- cash and his mobile phone make Samsung A23 from him. Thereafter, they fled away from the spot after threatening him with dire consequence. He enquired about the said persons and found out the whereabouts of the said persons. On the basis of the said statement, the present case was registered against three persons including the bail applicant.

4. I have heard learned counsel for the applicant/accused, Addl. PP for the State and have gone through the record pertaining to this bail application, with their able assistance.

5. Learned counsel for the applicant contended that the

applicant/accused is now in custody since 12.03.2024 and the disposal of the case is going to take considerable time and thus no purpose is to be served by keeping the applicant in custody further. He further argued that the applicant has been falsely implicated in this case and in view of the custody period, applicant may be released on regular bail.

6. On the other hand, the learned Addl. PP for the State argued that the bail-applicant alongwith his co-accused committed the serious offence of robbing the complainant and thus, his bail application may be dismissed.

7. The perusal of the record reveals that applicant is now in custody since 12.03.2024. Recovery whatsoever has already been effected from the accused during the investigation. However presentation and disposal of challan is going to take time. No purpose is to be served by continued pre trial custody of the applicant. No other case is stated to be registered against the applicant. There is also allegedly a delay of one day in reporting of the matter to the police. Thus in view of the aforesaid factors, without commenting upon the merits of the case, the bail application of the applicant Shehbaz alias Mohammad Shehbaz is admitted and he is ordered to be released on bail subject to furnishing bail bonds in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of concerned Illaqa Magistrate/ Duty Magistrate subject to the conditions:

- a. That accused/applicant will not tamper with the prosecution evidence and will not offer any threat, promise or inducement, directly or indirectly to any of the person acquainted with the facts of the case, dissuading him from disclosing the same to the court/ investigating agency; and

b. That accused/applicant will not leave the limits of India without prior permission of the court.

c. That accused/applicant will appear on each and every date of hearing. Subject to the order of exemption, trial court is at liberty to cancel the bail order.

8. Copy of this order be sent to the concerned court. Bail application file be consigned to the record room.

Pronounced in the Open Court.

(Mahesh Grover)

Additional Sessions Judge, Bathinda

Date of Order: 08.05.2024

UID No.PB0243

Jaspal, Steno.Gr.I.