

PBTT010033042023



Presented on : 31-05-2023
Registered on : 01-06-2023
Decided on : 08-06-2023
Duration : 0 years, 0 months, 8 days

**IN THE COURT OF PRASHANT VERMA, (UID N. PB0236) ADDITIONAL
SESSIONS JUDGE/VACATION JUDGE, TARN TARAN**

**Bail Application No. 1603-2023
Date of Order : 08.06.2023**

- 1 Jasbir Singh @ Sira aged about 35 years s/o Santokh Singh,
- 2 Satnam Singh aged about 33 years s/o Ravel Singh, both residents of
village Thathgarh, District Tarn Taran.

.....Accused/petitioners

Versus

State of Punjab.

(First Bail application under Section 439 Cr.P.C.)

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FIR No. 60 dated 11.03.2020

Under Sections 399/402 of Indian Penal Code (hereinafter
referred to as IPC), registered at Police Station Jhabal.

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Present : Shri Kanwaljit Singh Virk Advocate, learned counsel for the
applicant/accused.
Shri Ravinder Singh Chandi, learned Additional Public Prosecutor for
the State.

ORDER

File put up before the undersigned being duty judge since the Id.
Presiding Officer is availing summer vacation.

1. This order shall decide the application for bail under Section 439 of
Code of Criminal Procedure (hereinafter referred to as Cr.P.C) filed on behalf of the
applicants/accused Jasbir Singh s/o Satokh Singh and Satnam Singh s/o Ravail Singh

(Prashant Verma, ASJ/JSC Tarn Taran, UID No. PB0236)

in case FIR No. 60 dated 11.03.2020 under Sections 399/402 of Indian Penal Code (hereinafter referred to as IPC), registered at Police Station Jhabal.

2. Notice of the application was issued to the State and record was put up for perusal.

***COMPLIANCE OF DIRECTIVE CONTAINED IN ORDER DATED
28.07.2021 PASSED BY HON'BLE PUNJAB AND HARYANA HIGH COURT
IN CRM-M-1695-2021***

3. Carried out. Ahlmad had reported that according to the information available in the CIS system, no other bail application relating to this case is pending or decided by any Superior Court. Such a declaration also contained in the bail application.

ABSTRACT OF FIR/PROSECUTION STORY:

4 The present FIR was registered at the instance of complainant, ASI Vipin Kumar. He along-with fellow police officials was on patrol on 11.03.2021 when he received a secret tip off that accused Satnam Singh s/o Ravail Singh (applicant/accused), Baljinder singh, Jasbir Singh (applicant/accused), Satnam Singh s/o Dilbagh Singh, Malook Singh were habitual of carrying out snatching and robberies. All of them had gathered a desolate place in village Manan and were armed with deadly weapons. They were undertaking preparation to carry out dacoity and to rob unsuspecting passerby. Upon the information so received by the police officials, a raid was carried out and four of the accused, including the applicants/accused, were nabbed by the police officials at the spot. A sickle (Datt) was recovered from the possession of applicant/accused Satnam Singh s/o Ravail Singh whereas a baseball club was recovered from the possession of applicant/accused Jasbir Singh. It also transpires that the motorcycles parked next to the accused had been stolen. Ultimately the accused were arrested and FIR under Sections 399 and 402 of IPC was registered accordingly, recovery memos were prepared and investigation commenced.

STAGE OF PROCEEDINGS/TRIAL

5 *The challan has been filed and charge against the accused is yet to be framed.*

ARGUMENTS RAISED BY LEARNED COUNSEL FOR APPLICANT/ACCUSED:

6. Contention of learned counsel for the applicants/accused is that the applicants/accused are innocent and have been falsely implicated in this case. Applicants/accused are in custody since long. Conclusion of trial will take time and no useful purpose will be served by keeping the applicants/accused behind the bars for indefinite period and prayed for grant of regular bail to the applicants/accused.

ARGUMENTS OF LEARNED ADDL. PUBLIC PROSECUTOR AND LEARNED COUNSEL FOR COMPLAINANT.

7. Contention of learned Additional Public Prosecutor is that allegations against the accused are serious in nature. Therefore, applicants/accused are not entitled for grant of regular bail and prayed for dismissal of the bail application

GUIDING PARAMETERS

Prahlad Singh Bhati v. N.C.T., Delhi, (SC) : Law Finder Doc Id # 11452, 2001(5) BCR 727 : 2001(2) R.C.R.(Criminal) 377; *State through C.B.I. v. Amaramani Tripathi, (SC) : Law Finder Doc Id # 85804,2005(34) AIC 1 : 2005(4) R.C.R.(Criminal) 280;*

(i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the charge; (iii) severity of the punishment in the event of conviction; (iv) danger of accused absconding or fleeing if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being tampered with; and (viii) danger, of course, of justice being thwarted by grant of bail

DISCUSSION:

8. The very pith of the allegations against the applicants/accused is that

they were nabbed red handed by the police officials while they were making preparation to commit dacoity and had thus assembled to that end. Both the applicant/accused are in custody since 11.03.2020 and till date, charge against the accused is yet to be framed. The investigation against the accused had already culminated. Besides that the accused had no opportunity to actuate the claimed conspiracy to commit dacoity as claimed by the investigating agency. Also the element of subjectivity in the claim of the prosecution is substantial and can be corroborated only by means of evidence. Evidently the period of custody of both the applicant/accused is significant, they being in custody since 11.03.2020 and the prospects of prompt conclusion of trial are still evasive. In such circumstances, no ground is made out to warrant detention of the accused/applicants for an indefinite period.

CONCLUSION:

9. In view of above discussion and without commenting on merits of the case, the present application is **allowed**. The applicants/ accused are ordered to be released on bail subject to furnishing of their bail bonds in the sum of **Rs.50,000/-** each with one surety each of the like amount, subject to the conditions that :

1. the applicants-accused shall not, directly or indirectly, made any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court to any police officer;
2. the accused-applicants shall not leave India without the previous permission of the Court, including the trial Court.
3. the accused- applicants shall attend the proceedings in accordance with the conditions of the bonds so executed under Chapter XXXIII of Cr.P.C.
4. the accused- applicants shall not commit an offence similar to the offence of which they are accused, or suspected, of the commission of which they are suspected;
5. the accused-applicants shall not tamper with the evidence by any means;
6. the accused-applicants shall appear before the trial court on each date of hearing unless their personal appearance are exempted.

A copy of this order be placed on the main trial file. Bail application file

be sent back to the concerned court.

Pronounced:

Prashant Verma,
Judge Special Court,
Tarn Taran. (Duty Judge)
UID No. PB0236

Dated: 08.06.2023