

**IN THE COURT OF JUDICIAL MAGISTRATE IST CLASS, NAKODAR
(PRESIDED OVER BY MS. KHUSHDEEP KAUR)
(UID No.PB0652)**

Presented on : 09.05.2023
Registered on : 09.05.2023
CIS No. : BA/161/2023
CNR No. : PBJLA1-000721-2023
Decided on : 16.05.2023

Angrej Singh Vs. State of Punjab

FIR No. 44 Dated 24.04.2023
Under Section 379, 411, 120-B, 201 IPC
PS:Lohian, Distt. Jalandhar.

Present: Sh. Bharat Bhushan, Ld.APP for the State assisted by counsel Sh. Himanshu Taneja, Advocate.
Sh. Manish Tiwari, Advocate for the accused/applicant.

ORDER:

1. Arguments heard on the bail application of applicant/accused Angrej Singh. Learned counsel for applicant/accused argued that accused is innocent and a false case has been registered against him by the police. He has not committed any offence as allegation levelled against him. Accused is in custody since the date of his arrest. The challan is yet to be presented and culmination of trial will take time. Recovery has already been made, as such, further custody of the applicant is no more required. The applicant undertakes to appear before the Court on each and every date of hearing. The applicant is ready to furnish the bail bonds and surety bonds before the Court and undertakes to abide by the other directions of this Court. Along with this application affidavit of Darshan Singh is also annexed who submitted that no other bail application of this accused is pending in another Court. The learned counsel for the applicant/accused prayed that the accused may be admitted on bail.
2. The learned APP for the State also submitted in reply to this bail application that as per statement of complainant as well as the facts come on record during investigation that accused has committed the offence and he has been rightly nominated in this case as per police record. The accused can misuse the concession of bail and leave the jurisdiction of Court and can tamper prosecution evidence. Accused can give threats to the

witnesses of prosecution, if he is admitted to bail. He further argued that if accused released on bail he will misuse concession of bail. He further submitted that accused along-with co-accused namely Bhagat has stolen the alleged bus and has sold the same to Jhumkan (kabadia) proclaiming himself to be the owner of the bus and also presented false and fabricated affidavit to said Jhumkan. So, present accused/ applicant along-with co-accused in conspiracy committed the alleged theft and also presented false affidavit to Jhumkan. He prayed that present bail application may be dismissed.

3. In the present case, the applicant/accused has been booked for an offence punishable under Section 379, 411, 120-B, 201 IPC. Ld. APP for the State assisted by counsel for the applicant argued that accused/ applicant has committed criminal conspiracy along-with the co-accused and has stolen the alleged bus and thereafter sold the said bus to Jhumkan on the basis of false affidavit wherein co accused Bhagat has claiming himself to the owner of the stolen bus. So the present applicant is not entitled to granting bail. However, no such offence has been added in FIR that the accused has committed such an offence. Had there been any other offence the police authority would have made him liable for the same. As per record accused/applicant is in judicial custody. The custody of accused is no more required for interrogation purpose. Moreover, no useful purpose shall be served by keeping the accused behind the bar for indefinite time. The challan is yet to be presented and culmination of trial will take time. No instances of past criminal conduct has been brought against the accused. So, as per legal doctrine 'bail is rule and jail is exception', and facts and circumstances of the present case the **applicant/accused is admitted to bail in above-cited FIR No.44 dated 24.04.2023 U/s 379, 411, 120-B, 201 IPC on his furnishing bail bonds in the sum of Rs.50,000/- with one surety in the like amount with the following conditions:-**

- a) that he shall attend the court proceedings on each and every date of hearing and shall not absented himself;
- b) that he shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected;

c) that he shall not leave the Country without the permission of the court;

d) And that he shall not directly or indirectly make 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 or tamper with the prosecution evidence.

4. Accordingly, the bail application is hereby allowed. The applicant/accused is admitted to bail on his furnishing bail bonds in the sum of Rs.50,000/- with one surety in the like amount. Bail bonds and surety bonds furnished, which are accepted and attested by this Court. Release warrants be issued immediately. Papers be tagged with the main file.

Pronounced in open Court.

Dated:16.05.2023

*Pardeep**

(Khushdeep Kaur)PCS
Judicial Magistrate Ist Class,
Nakodar
UID NO.PB0652