

PBGD010057602018



Presented on : 21-08-2018
Registered on : 23-08-2018
Decided on : 29-08-2018
Duration : 0 years, 0 months, 8 days

**IN THE COURT OF
Additional Sessions Judge
at Gurdaspur
(Presided Over by Sh Gurjant Singh)**

BA/2320/2018

Bail Application No. 444 of 23.08.2018
CIS No. BA-2320-2018
Date of decision : 29.08.2018

Gurdeep Singh son of Jagir Singh, resident of village Kalichpur,
Tehsil and District Gurdaspur.

....Accused/applicant

Versus

State of Punjab

....Respondent

First application for bail under section 439 of Cr.P.C.

Present: Shri R. S. Gorya, Advocate, for accused/applicant
Shri H. S. Bajwa, Additional Public Prosecutor for
State

**FIR No. 8 dated 20.01.2018
Under Section 379-B/34 Indian Penal Code,
Police Station: Behrampur,
District Gurdaspur**

ORDER
(Delivered on 29-08-2018)

This order of mine will dispose of bail application filed by above named accused/applicant under section 439 of Cr.P.C. pleading his innocence and false implication.

2. Record has been received. Arguments have been heard.

3. Sh. R.S. Goraya, Advocate, learned counsel for accused/ applicant has argued that accused/applicant is in judicial lock up since 11.07.2018. Accused/applicant has not been named in FIR and no specific role has been attributed to him. Story set up by complainant in present FIR is highly improbable and does not appeal to common sense. Nothing incriminating has been recovered from possession of accused/applicant. No useful purpose will be served by keeping him in judicial lock up. It is prayed that accused/applicant be released on bail till decision of case.

4. These arguments have been refuted by Shri H. S. Bajwa, learned Additional Public Prosecutor by contending that allegations against accused/applicant are serious in nature and he cannot be extended concession of bail as he may hamper with

investigation.

5. I have given due consideration to rival contentions and have gone through record of this case.

6. As is found from record, this case was registered on statement of Kuldeep Raj son of Chuni Lal resident of Bala Pindi P.S: Behrampur, who has stated therein that he is working as salesman in Majha Liquor Company and at present he is working at bridge Pasial liquor shop for last one month. On 19.01.2018 at about 8.40 p.m, he along with Nishan Singh son of Gurnam Singh resident of Pasial, who is running a shop of eggs there, had gone to their house after closing liquor shop. He was on his scooty bearing No. PB-06-Z-3202 and Nishan Singh was on his motorcycle. Nishan Singh had gone to his village and he was going to Behrampur. When he had reached little ahead of T-Point Majithi, then from backside three persons riding on a motorcycle had come parallel to him and thrown him after giving push. When he had tried to run away, they had caught hold him. One unknown person had given him fist blow and second young person had taken out Rs. 5,610/- from pocket of his shirt. They had snatched one black colored phone of Lava company and Rs. 10,000/-, which were lying in secret pocket of

his pant, forcibly.

7. Perusal of record shows that name of accused/applicant was not mentioned in FIR. Accused/applicant was arrested in this case on 28.07.2018 and now he is in judicial custody. No recovery has been effected from accused/applicant. He is not required for purpose of investigation. Conclusion of investigation is likely to take time and thereafter presentation of challan and conclusion of trial obviously will take long time. There is no allegation that accused will abscond away or tamper with prosecution evidence or he is in position to influence witnesses of prosecution. In such a situation accused/applicant is ordered to be released on bail on his furnishing personal bonds in sum of Rs. 30,000/- with one surety of like amount, to satisfaction of learned Ilqa/Duty Magistrate, Gurdaspur, with conditions that he will not leave the country without prior permission of the court; he will not influence prosecution witnesses in any manner and will appear in the court on each and every date of hearing. He will submit bonds in the court of Ilqa/Duty Magistrate, Gurdaspur, who may impose any other permissible condition.

8. Police record be returned and file be consigned to

record room.

**Pronounced
29.08.2018**

**(Gurjant Singh),
Additional Sessions Judge,
Gurdaspur**

Rajeev Gupta,
Stenographer Gr-I

Dictated on : 29.08.2018
Transcribed on : 29.08.2018
checked on : 29.08.2018
Signed on : 29.08.2018

(Gurjant Singh),
Additional Sessions Judge,
Gurdaspur.

Gurdeep Singh vs State

Present: Shri R.S. Gorya, Advocate, for accused/applicant
Shri H.S. Bajwa, Additional Public Prosecutor for
State

Learned Additional Public Prosecutor has put in
appearance on behalf of State. Police record has been produced.

Arguments on the bail application heard. Vide my
separate detailed order of even date, bail application is allowed,
subject to conditions mentioned therein.

Police record be returned and file be consigned to
record room.

Pronounced
29.08.2018

(Gurjant Singh),
Additional Sessions Judge,
Gurdaspur.

Rajeev Gupta,
Stenographer Gr-I