

**IN THE COURT OF SH.B.B.S.TEJI,
SESSIONS JUDGE, BARNALA.**
(U.I.D.No.PB0084)

CNR No.PBBR01-004752-2024
CIS No.BA/1606/2024
Date of Order.....27.11.2024

Shinda son of Darshan Singh, son of Kheta Ram, resident of 22 Acre, Patti Road, Barnala.

...Applicant/accused

Versus

State of Punjab

Application for bail U/s.483 of BNSS

FIR No.58 dated 24.09.2024
Police Station : Mehal Kalan.
U/s.: 305(A),238 of BNS

Present: Sh.G.S. Kalia, Advocate counsel for applicant/accused.
Sh.B.S. Deol Addl.Public Prosecutor for State.

ORDER

1. This is the first bail application for regular bail U/s.483 of BNSS moved on behalf of applicant in the above noted FIR.
2. Heard, ld.counsel for applicant and ld.Addl.Public Prosecutor for State and record perused.
3. As per case of prosecution, present FIR was registered on the statement of Jaswant Singh @ Banti son of Sadhu Singh on the allegations that he is doing the agricultural work. On 23.09.2024, he had gone to his filed for spray on the crop. That his wife Sarabjit Kaur had gone to Dera of

Isher Dass for preparing meals. At about 2.00 pm, when his wife Sarabjit Kaur returned home, she found that household articles were lying scattered and he called him on phone. On coming to home, he found that some one has firstly borken the lock of main gate and thereafter had stolen Rs.60,000/- from the Almirah lying in the store room, after breaking open the lock of the same. That the key of iron box (Peti) was lying near the bag containing cash amount and some one had firstly opened the lock and thereafter stolen the gold ornaments weighing about 6-7 tolas. On this statement, present FIR was registered against unknown persons.

4. Learned counsel for applicant has submitted that the applicant has been falsely implicated in the present FIR. That the FIR was registered against unknown persons. That alleged recovery has already been effected. That applicant has been nominated as accused in the present FIR on the basis of disclosure allegedly made by applicant and co-accused while in custody in FIR No.73 of 03.10.2024 P.S. Rureke Kalan. That co-accused have already been granted bail. With regard to antecedents of the applicant, ld.counsel for applicant has submitted that applicant has already been acquitted in FIR 179 of 24.06.2017, whereas FIR No.177 of 23.06.2017 is relating to untrace report. That applicant is in custody since 21.10.2024 and no more required by the police for further investigation. That presentation of challan and conclusion of trial will take time and it shall serve no useful purpose by detaining the applicant behind bars for indefinite period.

5. On the other hand, Ld.Addl.Public Prosecutor has not

controverted the fact that the FIR was registered against unknown persons. That alleged recovery has already been effected. That applicant has been nominated as accused in the present FIR on the basis of disclosure allegedly made by applicant and co-accused while in custody in FIR No.73 of 03.10.2024 P.S. Rureke Kalan. That applicant is in custody since 21.10.2024. It has further not been controverted that applicant has been acquitted in FIR 179 of 24.06.2017 and FIR No.177 of 23.06.2017 is relating to untrace report.

6. After considering the above, as the applicant is in custody since 21.10.2024 after his arrest, entailing that the applicant is no more required by the police for further investigation. No useful purpose shall be served by detaining the applicant behind bars for indefinite period as conclusion of trial will take considerable time. The alleged recovery is already been effected and applicant has been nominated as accused on the basis of disclosure made by him and co-accused while in custody in FIR No.73 of 03.10.2024. The co-accused have already been granted bail. Without expressing any opinion on merit of the case, the application is allowed and the applicant is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of Ilaka Magistrate/Duty Magistrate. Bail papers be consigned to record room.

Announced.

Dated:27.11.2024

J.Sharma/JW-I

(B.B.S.Teji)

Sessions Judge, Barnala
(PB0084)