

PBRO010054112024



Presented on : 12-12-2024
Registered on : 12-12-2024
Decided on : 16-12-2024
Duration : 0 years, 0 months, 4 days

**IN THE COURT OF RAMESH KUMARI, (UID No.PB0039)
SESSIONS JUDGE, RUPNAGAR.**

(1) Bail Application No.1612 of 12.12.2024
Date of Order : 16.12.2024

Joni aged about 27 years son of Kabal resident of H.No.222, Sant Nagar,
Morinda, Tehsil Morinda and District Rupnagar.

....Applicant-accused.

Versus

State of Punjab

....Respondent.

Bail application under Section 482 BNSS, 2023.

PBRO010054122024



Presented on : 12-12-2024
Registered on : 12-12-2024
Decided on : 16-12-2024
Duration : 0 years, 0 months, 4 days

(2) Bail Application No.1613 of 12.12.2024
Date of Order : 16.12.2024

Happy aged about 25 years son of Gurmeet resident of H.No.257,
Morinda, Tehsil Morinda and District Rupnagar.

....Applicant-accused.

Versus

State of Punjab

....Respondent.

Bail application under Section 482 BNSS, 2023.

FIR No.102 dated 09.11.2024.

Under Sections : 303 (2), 317(2), 3(5) of
BNS 2023.

Police Station : City Morinda

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Present: Shri Yatish Mittal, Advocate, learned counsel for
applicants/accused.
Shri Gurpreet Singh, learned Additional Public Prosecutor
for the State.

ORDER

1. By this common order, I shall decide above noted two pre arrest bail applications moved by applicants/accused Joni and Happy, under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as BNSS), in case FIR No. 102 dated 09.11.2024, under Section 303(2), 317(2), 3(5) of BNS 2023, Police Station City Morinda.

2. Notices of the bail applications were issued to the State and police record was requisitioned.

FACTS OF FIR.

3. The facts as alleged in the FIR are that on 09.11.2024 ASI Angrej Singh along with police party was present at Rattangarh Chowk, Morinda in connection with patrolling and search of suspicious persons, where at about 5:40 PM, he received a secret information that Happy son

of Gurmeet Singh, Ajay son of Ajaib Singh, Johny son of Kabal, residents of Sant Nagar Morinda, Aman son of Manoj, resident of Garhshankar, District Hoshiarpur, are driving Mahindra Pick-up vehicles. Ajay @ Tiger son of Sunil resident of Shaila Khurd District Hoshiarpur who is son-in-law of Ajaib Singh resident of Sant Nagar, is with the above said persons. All these persons have cut one truck Make EICHER with gas gutter in the area of Sant Nagar and have disposed of most of the articles of said vehicle on the same day and some of parts of said truck are still loaded in Mahindra Pick-up bearing No. PB-12H-3617 of Gurmeet Singh and they will dispose of the same during the night time. The vehicle EICHER looked like high model, which they must have stolen from somewhere. They are selling the parts of said EICHER vehicle by cutting it with the help of gas cutter and making it as scrap. On the basis of aforesaid secret information, FIR under Sections 303(2), 317(2), 3(5) BNS has been registered against Happy son of Gurmeet Singh, Ajay son of Ajaib Singh, Jony son of Kabal, residents of Sant Nagar, Morinda, Aman son of Manoj resident of Garhshankar district Hoshiarpur and Ajay @ Tiger son of Sunil resident of Saila Khurd District Hoshiarpur.

POLICE INVESTIGATION.

4. During the course of investigation co-accused Ajay son of Ajaib Kumar was arrested on 9.11.2024. Disclosure statement of co-accused Ajay son of Ajaib Kumar was recorded. Site plan of place of occurrence was prepared.

In the presence of co-accused Ajay son of Ajaib Kumar Mahindera Pick-up bearing No.PB-12H-3617 parked in Sant Nagar, Morinda which was loaded with one cut engine having No.E483CDCB564654, Radiator, Diesel tank, 07 tyre along with rim, one seat was taken in possession

ARGUMENTS OF LEARNED COUNSEL FOR APPLICANTS/ACCUSED:

5. The learned counsel for the applicants/accused contended that the applicants/accused have committed no offence. They are innocent. False case has been registered upon the accused/applicants. Nothing is to be recovered from the applicants/accused. The learned counsel for the applicants/accused further contended that the applicants/accused are ready to join the investigation. They will abide by all the terms and conditions imposed by the court. No useful purpose would be served by sending the applicants/accused behind the bars and vehemently prayed for grant of pre arrest bail of accused/applicants.

ARGUMENTS OF LEARNED ADDITIONAL PUBLIC PROSECUTOR:

6. On the other hand the learned Additional Public Prosecutor contended that the allegations against the accused/applicants are serious in nature. The custodial interrogation of the applicants/accused is required and therefore, they are not entitled for the benefit of pre arrest bail and prayed for dismissal of the bail application.

PREVIOUS ANTECEDENTS OF APPLICANT/ACCUSED:

7. ASI Angrej Singh No.880/R, P.S. City Morinda suffered separate statements in both the bail applications, in the court that except for the present FIR, another FIR No.265 dated 10.11.2024, under Sections 303(2) BNS, P.S. Rama Mandi, District Jalandhar has also been registered against both the applicants, in which case is under investigation.

DISCUSSION:

8. The allegations against the applicants/accused are that they had cut the one vehicle make EICHER with gas cutter, misappropriated/dispose of the articles of the said vehicle and few of the articles of said vehicle were kept in Mahindra Pick-up No.PB-12H-3617 of Gurmeet Singh. During the course of investigation Mahindra Pick-up No.PB-12H-3617 which was loaded with cut engine No.E483CDCB564654 and other parts of the vehicle was taken into police possession. Custodial interrogation of present applicants/accused is required for recovery of all the parts of said vehicle EICHER.

CONCLUSION:

9. In view of above discussion, it is concluded that the applicants/accused are not entitled for grant of pre-arrest bail and as such both the bail applications are dismissed.

A copy of order be placed in Bail Application No.1613 of 12.12.2024, CNR No.PBRO01-005412-2024.

Any observation made while deciding these bail applications shall have no bearing on merits of the case.

Police record be returned. Bail application files be consigned to record room.

Pronounced in open Court.
Dated : 16.12.2024.

(Ramesh Kumari)
UID No.PB0039,
Sessions Judge,
Rupnagar.

Surinder Singh Walia, Stenographer-I

Dictated on : 16.12.2024.
Transcribed on : 16.12.2024.
checked on : 16.12.2024.
Signed on : 16.12.2024.

(Ramesh Kumari)
UID No.PB0039,
Sessions Judge,
Rupnagar.