

**IN THE COURT OF MS. ANSHUL BERRY
ADDITIONAL SESSIONS JUDGE,
FATEHGARH SAHIB.
UID No. PB0095**

**Bail application no.163/2023
CNR No:PBFG010006182023
Decided on: 22.02.2023**

Maninder Singh, aged about 30 years, son of Kulwant Singh, resident of House No. 134, Sector 26-A, Mandi Gobindgarh, District Fatehgarh Sahib.

..... Applicant

V E R S U S

State of Punjab

..... Respondent

**FIR No. 134 dated 1.11.2021,
Under Section 379 IPC,
Police Station Khamano.**

Bail application u/s 439 Cr.P.C.

**Present: Sh. I.S.Saou, Advocate for the applicant/accused.
Ms. Anju Narula, Addl. PP for the State/respondent.**

ORDER

1. This order of mine shall dispose of the regular bail application under Section 439 Cr.P.C. in FIR No. 134 dated 1.11.2021, Under Section 379 IPC, Police Station Khamano, moved by counsel for the applicant, in which it is stated that a false case has been registered

against the applicant by the police of P.S. Khamano. The FIR is against unknown person and applicant has no role in the above said FIR. The applicant is in judicial custody and he is no more required by the police for purpose of investigation and nothing was recovered from the applicant. The applicant never committed any offence.

2. Notice of the bail application was given to the State. Police record has been requisitioned.

3. As per prosecution version, the present case has been registered on the statement of Naib Singh that he was having one truck bearing registration No. PB-12-B-9743, make Tata 1612 (6 tyres), Model 1997 which is registered in his name and he has employed Major Singh as his driver and in routine his driver parked truck at Gagan Filling Center, village Polo Majra at night and handed over the key to him. He is also having one tractor trolley in which they have to load wooden Toka (Kutra) from Sector 35 for Ludhiana and at about 12.30 A.M, when he reached in his tractor trolley at petrol pump, he saw his truck bearing registration No. PB-12-B-9743 was not there. Then he called his driver Major Singh, who told that he has already parked truck at 9 PM and handed over key at his house. He searched his truck but no clue was

found. On this statement of complainant, present FIR was registered. During investigation the applicant was apprehended and is in judicial custody.

4. Ld. Counsel for applicant/accused has argued that accused has been falsely implicated in this case. The FIR is registered against unknown person. The applicant is in judicial custody. He is no more required by the police. The co-accused is already on anticipatory bail. So, the applicant is entitled to bail.

5. On the other hand, the Ld. Addl.P.P for the State has argued that applicant/accused has committed serious offence. So, the applicant does not deserve any leniency and prayed that bail application be dismissed.

6. After giving my thoughtful consideration to the contentions of the Ld. Counsel for the applicant and the Ld. Addl.PP for the State and perusal of police record shows that FIR has been registered against unknown person. During investigation the applicant/accused was apprehended. The applicant/accused is in judicial custody since 6.01.2023. Presentation of challan and conclusion of trial will take sufficient time. No useful purpose would be served by keeping the

accused behind the bars. Keeping in view the above said facts and circumstances and without commenting on the merits of the case, **applicant/accused is ordered to be released on bail subject to satisfaction of Ld. Illaqa/Duty Magistrate/Trial Court.** With these observations application in hand stands allowed. Copy of this order be sent to **Ld. Illaqa/Duty Magistrate/Trial Court** for compliance. Bail file be consigned to the record room (Sessions) Fatehgarh Sahib.

Pronounced in open Court.

Dated: 22.02.2023.

**(Anshul Berry),
Addl. Sessions Judge,
Fatehgarh Sahib.
UID No:PB0095**

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