

PBGD010073632019



Presented on : 16-07-2019
Registered on : 16-07-2019
Decided on : 17-07-2019
Duration : 0 years, 0 months, 1 days

**IN THE COURT OF
Additional Sessions Judge at, Gurdaspur
Presided Over by Sh. Jatinder Pal Singh Khurmi,**

CNR No.PBGD01-007363-2019CIS No. BA-2004-2019.

Bail Application No. 456 of 16.07.2019.

Lovepreet Singh son of Davinder Singh resident of village Jhawar, Tehsil
and District Gurdaspur.

...Applicant/Accused.

Versus

State of Punjab.

...Respondent.

FIR No. 20, Dated 19.04.2019.
Under Sections: 379-B, 34 IPC.
Police Station: Tibber.

1st bail application U/S 439 Cr.P.C.

Present: Shri P.S. Ghuman, Advocate, for applicant/accused.
Shri J.P. Bains, Additional Public Prosecutor for the State.

ORDER:

By filing the present application, under Section 439 of the
Code of Criminal Procedure, the applicant has seeking regular bail in FIR
No. 20, dated 19.04.2019, under Sections 379-B, 34 of Indian Penal Code,
registered at Police Station, Tibber.

2. Notice of bail application was issued to the State-respondent.
Police record received and perused.

3. The facts, in brief, necessary for disposal of the instant bail application are that the afore-said FIR has been registered at the instance of complainant Lakhwinder Singh son of Karnail Singh resident of village Pahra. He stated that he is resident of above said address and agriculturist by profession. He has two children i.e. one son and one daughter. On 06.04.2019 at about 10.00 A.M. his mother Surjit Kaur was sitting on a cot outside the gate of the house after taking meal. In the meantime, a motorcyclist on a motorcycle bearing no. PB-06-AD-2056 Splendor black colour to whom I was not known came there and pillion rider Jagpreet Singh @ Monu to whom we know and some days ago who came to our house for getting Cow, came down from the motorcycle and hurriedly came to my mother Surjit Kaur and forcibly snatched her ear rings weighing about one tola which were worn by her. Thereafter, they both were ran away on their motorcycle. On the basis of this statement of the complaint, the police has registered the aforesaid FIR.

4. Learned counsel appearing on behalf of the accused-applicant has submitted that the police of P.S. Tibber has registered above said FIR against the co-accused Jagpreet Singh son of Harjit Singh resident of village Jhawar, Tehsil and District Gurdaspur. The accused/applicant's name is not figured in the FIR. The police is raiding the house of applicant on the excuse that above said motorcycle used in occurrence is ownership of grandfather of applicant. In fact Jagpreet Singh borrowed above said motorcycle from the grandfather of applicant and allegedly used in alleged occurrence without knowledge of the applicant's family. Thus, the applicant has no act of participation in the alleged occurrence. Moreover,

police has recovered gold ear rings from the co-accused Jagpreet Singh and also have taken motorcycle in possession from the house of applicant on 17.04.2019. He further submitted that the FIR is false, fabricated and without an iota of truth. No occurrence as alleged in FIR took place and the alleged recovery has been falsely implicated by the police upon the accused/applicant. With these submissions, he prayed that the applicant be released on regular bail.

5. On the other hand, learned Additional Public Prosecutor vehemently opposes to grant regular bail to the applicant on the facts and in the circumstances of the case. He submitted that in view of the gravity and seriousness of the allegations, no case is made out for the grant of regular bail.

6. This Court has considered the rival submissions of the learned counsel appearing on behalf of the respective parties and also pursued the material available on record. The allegations against the accused/applicant are serious in nature. It is the custodial interrogation which can bring the truth on surface especially for the snatched ear rings. Apart from that, the present accused/ applicant Lovepreet Singh is one of the member of a snatcher who used to commit the crime. His motorcycle has been used. The arguments forwarded that the motorcycle was taken by Jagpreet Singh for his personal use. The said defence seems improbable. Moreover, the investigation of the present case is still pending. The accused/applicant is yet to be arrested in this case. To this situation, the accused/applicant Lovepreet Singh is found not deserving the concession of regular bail to

him. Therefore, the regular bail application of the accused/ applicant Lovepreet Singh is dismissed.

7. Copy of this order be sent to the concerned police station. Police record returned and the instant bail application file be consigned to the record room.

Pronounced :
17-07-2019.

Jatinder Pal Singh Khurmi,
Additional Sessions Judge,
Gurdaspur.

Rajinder Singh, Stenographer-I
Dictated on : 17-07-2019.
Transcribed on : 17-07-2019.
checked on : 17-07-2019.
Signed on : 17-07-2019.

Jatinder Pal Singh Khurmi,
Additional Sessions Judge,
Gurdaspur.
(UID No.PB0057)