

PBHOC10006202023



Presented on : 22-03-2023
Registered on : 22-03-2023
Decided on : 23-03-2023
Duration : 0 years, 0 months, 1 days

**IN THE COURT OF SUB DIVISIONAL JUDICIAL MAGISTRATE AT
MUKERIAN, HOSHIARPUR**

(PRESIDED OVER BY AMARDEEP SINGH BAINS)

BA/20/2022

Amandeep Singh @ Aman Vs. State

FIR No. 48 dated 21.03.2023,
Under Section 380 of IPC &
offence u/S 411 IPC was added
vide DDR No. 48 dated 21.3.2023
Police Station Mukerian,
Distt. Hoshiarpur.

Present:- Sh. Inderjot Singh, Ld. APP for the State.
Sh. Vishal Mahajan, Adv. counsel for the applicant/accused.

Today, IO ASI Ravinder Singh has come present and suffered a statement to the effect that after registration of present FIR, offence under Section 411 of IPC was added vide DDR No. 48 dated 21.3.2023. He further submitted that he has not received any notice from any other court of law regarding bail application if any, preferred by the accused Amandeep Singh. He further submitted that there is no other FIR pending against the accused in PS Mukerian.

Further, Sh. Inderjot Singh, Ld. APP for the State has suffered a statement to the effect that he has gone through the statement of Investigating

Officer. As per the statement of IO, no other notice has been received by him with regard to bail application, if any, preferred by accused before any other competent court of law.

Further, Ms. Harjot Kamal, Criminal Ahlmad, attached to this Court has made a report to the effect that no record found, relating to the instant FIR on the official website of the Hon'ble Punjab and Haryana High Court, Chandigarh.

Brief facts of the case as asserted by the prosecution are that present FIR has been registered on statement of complainant Roop Singh, son of Hari Ram, r/o Umarpur, PS Mukerian who stated that he is resident of aforementioned address and he is having a Flour Mill on the road running from village Umarpur to Aima Mangat. On 21.3.2023 at about 6:45 PM, he was present in his Flour Mill. Accused Amandeep Singh @ Aman was sitting outside the above-said Flour Mill of complainant. Complainant was busy in his work. After some time, brother of complainant namely Baldev Singh came to him. His brother was also familiar with accused Amandeep Singh @ Aman since long and he told complainant that when complainant went to back part of his Flour Mill, accused Amandeep Singh took something in a bag. Then complainant checked inside of his Flour Mill and found that an old Fodder Cutting Machine which was kept while suspending on the wall of his Flour Mill is missing. It was stolen by accused Amandeep Singh. They started searching for accused Amandeep Singh alongwith other villagers and after nabbing accused brought him to Flour Mill of complainant. Accused had hidden the stolen machine of complainant to some undisclosed place. In the

end, request for action into the matter was made. After registration of FIR, investigation was carried, the stolen machine was recovered on the confessional statement of accused. Accused was arrested and sent to judicial custody.

Arguments heard on the regular bail application moved by applicant/accused. It is averred that he has been falsely implicated in this case and he has remanded to judicial custody. It has been further averred that he is innocent person and has been falsely implicated in this case. In fact, a hurt case has been converted into the theft case by local police under political pressure. Presentation of challan is likely to take long time and keeping him in custody will be burden to State exchequer and no useful purpose would be served by keeping the applicant/accused in judicial custody. It has been further averred that he undertakes to abide by all the conditions imposed by this Court while granting him bail. It is further submitted that he has not filed any bail application before any superior court and the same fact is mentioned which is mandatory as per the order of Hon'ble Punjab and Haryana High Court in case titled as **'Vijay Kumar @ Vijay Vs. State of Punjab, CRM-M-21526-2021'**. Lastly, it is prayed that the applicants/accused be released on bail. Lastly it is prayed that the applicants/accused be released on bail.

On the other hand, Ld. APP has denied the contents of bail application and prayed for dismissal of the bail application.

I have heard the ld. APP, ld. Counsel for the applicant and have minutely analysed the record.

Perusal of file reveals that the applicant/accused is in judicial

custody since 22.3.2023. Presentation of Challan and its disposal is likely to take indefinite long period of time. However, no useful purpose will be served by keeping the applicant/accused behind bars for indefinitely long period. Rather, it will be a burden on the state exchequer. Therefore, bail application of applicant/accused is hereby allowed and he is directed to be released on bail on furnishing bail bond to the tune of amount Rs. 20,000/- with one surety in like amount. The requisite bail bond and surety bond have not been furnished. Papers be attached with FIR. Now to come up on date fixed i.e. on 05.4.2023.

Pronounced in the open Court
23.3.2023

*Saurabh**

Amardeep Singh Bains, PCS,
Sub Divisional Judicial Magistrate,
Mukerian, Hoshiarpur,
(UID no. PB0335).