

BA No.PBMO0100-5639-2019

Date of Order: 26.09.2019

FIR No.64 dated 24.06.2018

Under Sections: 395 IPC

Police Station:Saddar Moga

Bail application under section 439 Cr.P.C.

Present: Shri Gurmail Singh Bhullar, Advocate for accused-applicant.
Shri Sukhdev Singh, Addl.PP for the State.

ORDER

This order of mine shall dispose a bail application filed by accused/applican Sarban Singh @ Samma for grant of bail u/s 439 Cr.P.C., in the above noted FIR, which was got registered by Dr. Gurbax Singh on the allegations that he was posted as ENT doctor at Guru Gobind Singh Medical College, Faridkot and on 24.06.2018 at about 9.00 a.m, he along with his family was returning back to Faridkot on his XUV vehicle bearing registration no.PB-11CD-8609 and when he reached ahead at some distance from Dagru Railway Crossing and was about to alight on the main road, a white coloured Scorpio came from behind and struck against his vehicle. He alleged that when he alighted from his vehicle, two Mullah Fashioned persons also came out from the Scorpio vehicle and out of them one person was armed with pistol type weapon and they started grappling with him and

on seeing this, his mother, wife and daughter also came out of the vehicle and then two of the assailants sat in his vehicle whereas the other person sat in the Scorpio vehicle and they took both the vehicles towards Talwandi Bhai.

2. Ld. Counsel for the applicant argued that from the facts and circumstances of the case, no offence under Section 395 IPC was made out against the accused-applicant. He argued that the applicant was not named in the FIR as the FIR was registered against unknown persons. He argued that on the date of alleged occurrence the accused-applicant was in custody in some other case i.e. FIR No.07 dated 17.01.2018, under Section 21/61/85 of NDPS Act registered at P.S. Lohian and he has not committed any such offence. He argued that the accused-applicant was arrested in this case on 15.12.2018 and since then he was in custody.

3. Upon notice, Ld. Addl.P.P appeared on behalf of the State and contested the bail application. Main case file received.

4. I have heard the Ld. Counsel for the applicant and Ld. Addl.P.P for the State and I am of the opinion that bail application deserves to be allowed.

5. Perusal of custody certificate issued by Superintendent Central Jail, Kapurthala shows that the accused-applicant was in custody in some other case bearing FIR No.07 dated 17.01.2018, under Section 21/61/85 of NDPS Act, P.S. Lohian at the time of occurrence, which took place on 24.06.2018 and he was released on bail in that case on 30.07.2018 and he was arrested in this case on 15.12.2018 and since then he is in judicial

custody. Conclusion of trial will take sufficient time. Therefore, no useful purpose would be served in keeping the accused-applicant further in custody. Consequently, his bail application is allowed and he is ordered to be released on bail on his furnishing personal bonds in the sum of ₹ 50,000/- with one surety in the like amount, to the satisfaction of this Court. Papers be tagged with the main case file.

Pronounced:26.09.2019

Jaswant Kaur
Stenographer Gr. II

(Munish Singal)
Sessions Judge,Moga
UID No.PB0053

Present: Shri Gurmail Singh, Advocate for accused-applicant.
Shri Sukhdev Singh, Addl.PP for the State.

Arguments heard. Vide my separate order of even date, the present bail application has been allowed. Papers be tagged with the main case file.

Pronounced:26.09.2019

Jaswant Kaur
Stenographer Gr. II

(Munish Singal)
Sessions Judge,Moga
UID No.PB0053