

1 UID No.PB0450
CIS No. BA-1923-2022
CNR No. PBGD01-004362-2022

IN THE COURT OF SH. AMAR PAUL, ADDITIONAL SESSIONS
JUDGE, GURDASPUR. UID NO.PB0450.

Bail application No. 564 of 16.06.2022

Date of Order: 08.07.2022

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Sarabjit Singh son of Hazara Singh, resident of H. No.478, W. No. 4, Sant
Nagar, Trimmo Road, Near Petrol Pump, Gurdaspur, P.S. City Gurdaspur,
Tehsil and District Gurdaspur.

...Accused/Applicant.

Versus

State of Punjab.

.....Respondent.

FIR No.0219 dated 13.11.2021

U/ss 420/406/506 IPC

P.S. City Gurdaspur.

Second Bail Application u/s 439 Cr.P.C.

Present:-Sh. Gurkanwal Singh Sohal Advocate for applicant-accused.

Sh. K.S.Gill Addl. P P for the State assisted by

Sh. H.S. Lakhanpal, Advocate for complainant with complainant
in person.

ORDER

1. Heard on second regular bail filed under section 439 Cr.P.C.
after presentation of challan being changed circumstances.

2. Notice of the bail application was given to the Additional PP
for the State who opposed the bail application and prayed for dismissal of
the bail application. Sh. H.S. Lakhanpal, Advocate has also filed power of

attorney on behalf of the complainant to contest the present bail application.

3. Trial court record was called which has been received and perused.

4. Heard. Considered. In this case FIR has been registered against the applicant on dated 13.11.2021 after inquiry by police on the complaint of Surinder Kumari on the brief contents that her son is unmarried and her daughter is already married. Her son Paramjit Kumar is unemployed and living with the complainant. Sarabjit Singh is living in their street. Sarabjit Singh was visiting her house for a long time. Sarabjit Singh told to her that her son Paramjit Kumar is unemployed and idle and he may sent him in abroad as he has some influence. Due to neighbourer, the complainant came under the influence of things of applicant. The deal for sending the son of the complainant Sarabjit Singh struck for Rs. 10,00,000/-, out of which, Rs. 5,00,000/- was to be given through cheque and Rs. 5,00,000/- in cash. Then she deposited Rs. 5,00,000/- through cheques on dated 05.12.2018 and on dated 27.02.2019 and the said amount was given to the applicant. Rs. 5,00,000/- were got transferred by her daughter-in-law Rajni Bala in her account from her sister Reeta Kumari from foreign and after withdrawing the amount, the cash amount was given to the Sarabjit Singh. Till date neither her son has been sent foreign nor her amount has been returned back, rather applicant is lingering on the matter on one pretext to the other on the excuse of spread

of corona virus. Earlier, she had filed the complaint before the Sadar Police Station and the applicant had promised to give Rs. 3,85,000/- initially and remaining thereafter and compromise was effected and one cheque was also handed over to the complainant, but the same has been dishonoured. Then the complainant asked about it, then he gave extending threats to her and refused to return the amount. Ultimately after inquiry FIR has been registered against the applicant.

5. Admittedly now challan has been presented in this case which is pending before the learned Illaqa Magistrate. Applicant is in custody since arrest dated 28.01.2022. Earlier bail application of the applicant was dismissed by this court vide order dated 14.03.2022 but at that time challan was not presented. Role and liability of the applicant will be seen during trial which will take time and in the meantime no purpose shall be served for further detention of the applicant behind the bar for indefinite period. There is nothing on record that applicant may tamper with prosecution witnesses and flee from justice if released on bail. However, if at any stage applicant tried to tamper with prosecution witnesses then prosecution is set at liberty to seek cancellation of bail of the applicant. Hence, in these circumstances, bail application of the applicant is allowed and applicant is ordered to be released on bail on his furnishing bail bond in the sum of Rs. 1,00,000/- with one surety in the like amount to the satisfaction of Trial Court/ Illaqa Magistrate/Duty Magistrate subject to the conditions that the applicant shall appear in the

4 UID No.PB0450
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court on each and every date of hearing and shall not put influence on the prosecution witnesses in any manner and shall not leave India without prior permission of the court. With these observations the present bail application stands disposed off. Trial court record be returned alongwith copy of this order. Bail application file be consigned to the record room.

Pronounced in open court
Dated: 08.07.2022

Shiv Kumar Stenographer Gr.1

(Amar Paul),
Addl. Sessions Judge,
Gurdaspur. UID No. PB0450.