

CNR No.PBGD01-004557-2025.

CIS No. BA-1923-2025.

Satvir Singh versus State of Punjab.

Present Shri Bhupinder Kumar Sharma, Chief Legal Aid Defence
counsel for bail applicant.
Shri Sandeep Sharma, Additional Public Prosecutor for
respondent-State.

ORDER:

1. In view of the application filed by Shri Bhupinder Kumar Sharma, Chief Legal Aid Defence counsel, offence under Section 111 of Bharatiya Nyaya Sanhita is substituted to offence under Section 111(3) of Bharatiya Nyaya Sanhita in the head note of the bail application. Reader is directed to make necessary correction in the head note of the bail application.
2. This application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail was filed by bail applicant/accused Satvir Singh on 07.05.2025. Upon notice, respondent-State appeared and contested the bail application. Police record has been produced by SI Daljit Singh.
3. Arguments heard. Record perused. In this case, FIR No.33 dated 15.03.2025, under Sections 310(4), 310(5), 317, 111 (Section 111 substituted with Section 111(3) later on) of Bharatiya Nyaya Sanhita, Police Station Sadar Batala has been registered on the basis of ruqa sent by Inspector Surinderpal Singh, SHO Police Station Sadar Batala on the allegations that on 15.03.2025, he along with his police party was conducting patrolling and when they reached on National Highway and turned to village Dhir, he received secret information that accused Satbir Singh alias Satta, Baljinder

Singh alias Billu, Salahu, Heera Singh alias Dhava, Raja and Amninderpal Singh alias Midhu are committing in robberies and are selling the snatched motorcycle etc. That they armed with deadly weapons are present in the cremation ground of village Sunaiya and are planning to commit some offence. If the raid is conducted, they can be apprehended while armed with deadly weapons and snatched vehicles. As per secret information, raid was conducted. The Investigating Officer heard the conversation of the accused persons stating that they will commit some offence. On seeing the police party, all of them tried to run away. Investigating Officer apprehended them and got conducted photography and videography. The person riding on the motorcycle make Splendor Plus without registration number disclosed his name as accused Satbir Singh alias Satta, the first pillion rider on the motorcycle disclosed his name as accused Salahu, who was armed with short sword and second pillion rider disclosed his name as accused Amninderpal Singh alias Mindu, who was armed with handle of spade. The person riding on scooter make Maestro without registration number disclosed his name as accused Baljinder Singh alias Billu, the first pillion rider on the scooter armed with Dattar disclosed his name as accused Heera Singh alias Dhava and second pillion rider armed with baseball disclosed his name as accused Raja. They could not produce any document regarding the ownership of above said motorcycle and scooter. The weapons i.e. dattar, sword, handle of spade and baseball were recovered from them and the same were taken into police possession after preparing sketches thereof. The motorcycle and

scooter were also taken into police possession. Accused were arrested. Ruqa was sent to the police station for registration of FIR.

4. After registration of FIR, investigation of the case is being conducted. During investigation, offence under Section 111 of Bharatiya Nyaya Sanhita was substituted with offence under Section 111(3) of Bharatiya Nyaya Sanhita vide DDR No. 10 dated 08.05.2025.

5. Through this application, regular bail has been sought by the bail applicant/accused on the grounds that false allegations has been leveled against him; nothing was recovered from him; he is in custody since 15.03.2025; he is not required for further interrogation/investigation and no useful purpose will be served by keeping him in custody. However, these allegations have been denied by the respondent-State.

6. Perusal of the police record reveals that as per the allegations, accused while armed with deadly weapons were found in possession of stolen motorcycle and scooter and they were planning to commit some offence. As per allegations, there are two other FIRs registered against the bail applicant. In FIR No. 84 of 2023, Police Station Qila Lal Singh, challan has since been presented against him and the case is pending in the Court of Shri Ravi Gulati, learned Additional Sessions Judge, Gurdaspur for 10.06.2025 for prosecution evidence. In case FIR No. 31 dated 13.03.2025, under Section 307 of Bharatiya Nyaya Sanhita, Police Station Sadar Batala, challan has since been presented and the same is pending before the learned Area Magistrate for commitment proceedings. Offence under Section 111(3) of Bharatiya Nyaya Sanhita has been invoked against the bail applicant. As

per allegations, two FIRs are registered against the bail applicant, in which challans have been presented in the Court, but cognizance has been taken against the bail applicant only in one case. Whereas section 111(3) of Bharatiya Nyaya Sanhita require that there should be more than one charge sheets filed before a competent Court within the preceding period of ten years and Court has taken cognizance of such offence, and includes economic offence. Thus, it is debatable if section 111(3) of Bharatiya Nyaya Sanhita can be invoked against the bail applicant or not. He is in custody since 15.03.2025 and is not required for further interrogation/investigation. Conclusion of the investigation and presentation of final report will take sufficient long time. No useful purpose will be served by keeping him in custody for an indefinite period. Therefore, the bail applicant/accused is ordered to be released on bail on his furnishing personal bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the Learned Area/Duty Magistrate.

7. Copy of this order be sent to the court of learned Area Magistrate as well as Superintendent, Central Jail, Gurdaspur immediately.

Police record be returned. This file be consigned to Record Room.

Pronounced.

Dated 28.05.2025.

Palwinder Singh-Stenographer-II

(Dilbagh Singh Johal)
Sessions Judge,
Gurdaspur.
(UID No. PB0069)