

**IN THE COURT OF MS. JATINDER KAUR,
SESSIONS JUDGE, FAZILKA (UID No. PB0062).**

CIS NO. BA/1988/2023.

Date of Instt: 19.09.2023.

CNR No. PBFZC0-005274-2023.

DATE OF ORDER: 22.09.2023.

Karan Kumar age 21 years son of Madan Lal resident of Street No. 3, Rajiv Nagar, Abohar District Fazilka.

----Applicant-accused.

Versus

State of Punjab

-----Respondent

Application for bail u/s 439 Cr.P.C. in a case FIR no. 60 dated 13.06.2023 under section 379-B, 427, 34 IPC, P.S. City-II, Abohar.

Present: Sh. Karan Maini Advocate counsel for applicant-accused.
Sh. Wazir Kamboj, Addl. P.P. for the State-respondent.

ORDER

This order of mine shall dispose of regular bail application U/S 439 Cr.P.C. moved by the above named applicant-accused in the aforementioned FIR.

2. The brief facts leading to the filing of the present bail application are that FIR in this case was got registered on the statement of complainant Vikas Kumar son of Shri Ram Lal resident of Ram Nagar, Abohar alleging that he is a vegetable seller by profession. Yesterday i.e. on 12.06.2023 at about 10.30 pm, by riding his Activa bearing registration no. PB 22Q 3727, he was going to his house. When he reached near Tara Estate Colony, Abohar on the *katcha* way, 04 youngsters were standing there on Discover motor cycle. They forcibly snatched his mobile phone and on his resistance, they gave him beatings and also damaged his Activa scooter and on raising hue and cry by him, all the four persons ran away

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from the spot. On being inquired, he came to know about the name of driver of motor cycle as Raja son of Jangir Singh resident of Indra Nagri, near Stadium, Abohar, his companion's name as Ramdeen son of unknown resident of Abohar as well as two unknown persons. On the basis of said statement, present FIR was registered against Raja, Ramdeen and two unknown persons. Applicant-accused is stated to be in custody since 28.08.2023, hence present regular bail application has been moved on his behalf.

3. Notice of the bail application was given to the State. Learned Addl. P.P. appeared on behalf of the State and contested the same for the State.

4. This Court has heard the contentions raised by learned counsel for the applicant as well as learned Addl. P.P. for the State and have also perused the record of the case.

5. The learned counsel for the applicant-accused contended that the applicant-accused is in judicial custody since 28.08.2023. The applicant-accused has not committed any offence and he has been falsely implicated in the present case. The alleged recovery has already been effected. Nothing is to be recovered from the applicant-accused. The applicant undertakes to appear on each and every date of hearing and shall not leave the country without its prior permission and shall not tamper with prosecution evidence. Presentation of challan and thereafter conclusion of trial shall take long time and prayer was made for acceptance of the present bail application.

Whereas, on the other hand, learned Addl. P.P. for the State opposed the present bail application. He has contended that accused-applicant along with his co-accused (non-applicants) has committed the

serious offence by snatching a mobile phone belonging to the complainant and all the four assailants also caused injuries to the complainant and damaged his Aactiva scooter and thus, applicant-accused does not deserve the benefit of bail and prayed for the dismissal of bail application.

6. This court has considered the rival contentions of both the sides. The applicant is in judicial custody since 28.08.2023 i.e. for the past about 25 days. Alleged recovery has already been effected. Moreover, the conclusion of trial shall take long time. No useful purpose shall be served by detaining the applicant in jail for an indefinite period. Co-accused Raja has already been granted regular bail by this Court vide order dated 04.07.2023. So, on the basis of parity and as the allegations levelled against the applicant are not suffice for his detention in the jail till the conclusion of trial. So, in these circumstances, it is a fit case where the benefit of regular bail must be given to accused-applicant.

7. Resultantly, the application succeeds and is, hereby, accepted. The accused-applicant is admitted to bail on his furnishing personal bonds in the sum of Rs. 1,00,000/- (Rupees One Lakh only) with one surety of the like amount before the Illaqa Magistrate/Duty Magistrate/Trial Court. Applicant shall appear in the court on each and every date of hearing; shall not tamper with the prosecution evidence and shall not leave India without its permission. The observation made here above shall have no effect on the merits of the case. Bail Papers be consigned to the record room after due compilation. Police record be returned. Sd/-

Pronounced.
Dated: 22.09.2023.
'Bhola Shankar'
'Stenographer Gr.I'

(Jatinder Kaur),
Sessions Judge,
Fazilka (UID No. PB0062)

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Present: Shri Karan Maini Advocate for applicant-accused.

Upon notice, Shri Wazir Kamboj, Addl. PP put appearance on behalf of respondent-State and contested the bail application.

Heard. Report of Ahlmad perused. Vide my separate & detailed order of today, the bail application u/s 439 Cr.P.C. applied on behalf of aforementioned applicant-accused has been disposed off.

Bail application file be consigned to the Record Room, Fazilka, after due compilation.

Sd/-

Pronounced.
Dated: 22.09.2023.
'Bhola Shankar'
'Stenographer Gr.I'

(Jatinder Kaur),
Sessions Judge,
Fazilka (UID No. PB0062)