

State vs Rohit Kumar
BA No. 20/2024

CNR No. PBSMB1-000109-2024

**IN THE COURT OF NEERAJ GOYAL,
SUB DIVISIONAL JUDICIAL MAGISTRATE
MALOUT, UID NO. PB0365
BA/20/2024**

State Vs Rohit Kumar

FIR No. 210 of 019.12.2022,
Under Section:- 379/411 IPC.
Police Station: City Malout.

Present:- Shri D.S.Gill Adv. Counsel for the applicant / accused **Rohit Kumar son of Bhana Ram**.

Shri Harjot Singh, APP for the State along ASI
Jaswinder Singh No.71/SMS.

Record perused. Heard on the bail application moved on behalf of applicant / accused **Rohit Kumar son of Bhana Ram**. In support of the bail application, it has been submitted that the accused / applicant has falsely been implicated in the above said case. The applicant/accused is innocent person. Nothing has been recovered from the accused/applicant as alleged by police. The completion of trail will take long time and no useful purpose will be served by keeping the applicant behind the bars. The applicant / accused **Rohit Kumar son of Bhana Ram** undertakes to abide by all the terms and conditions which may be imposed by the Court. Thus, prayed for concession of bail to applicant / accused **Rohit Kumar son of Bhana Ram**.

On the other hand, the learned APP for the State orally opposed the bail application and has not filed any written reply. He submitted that the applicant / accused **Rohit Kumar son of Bhana Ram** has committed serious offence, so he should not be released on bail.

Heard. Record perused. From a careful consideration of the rival contentions, it is to be stated that the applicant / accused **Rohit Kumar son of Bhana Ram** is in custody in the present case since **04.01.2024**. Considering the nature of the offence i.e. theft of five nose pins gold and period of custody and the fact that, during the course of arguments **IO/ ASI Jaswinder Singh No.71/SMS** who is also

present in the Court today, on being asked by the Court, informed that one more FIR i.e. FIR no.183 of 27.10.2023 under section 457/380 IPC, was registered in PS Kotwali Bathinda against accused except the present one in which, he is in custody and except this no other FIR was registered against him (his written report to that effect has been retained on file), it seems that lenient view should be taken against accused / applicant Rohit Kumar son of Bhana Ram. Further, as presentation of challan and conclusion of trial will take long time, so considering the aforesaid facts, lenient view is taken against the applicant / accused Rohit Kumar son of Bhana Ram and further no useful purpose will be served by detaining him in custody during the proceedings of the present case and even otherwise it is not the case of the prosecution that if released on bail, accused / applicant will tamper with the prosecution witnesses.

So, in view of my aforesaid observations, the present bail application filed on behalf of applicant / accused Rohit Kumar son of Bhana Ram is allowed and applicant / accused Rohit Kumar son of Bhana Ram is ordered to be released on bail on his furnishing bail bonds in the sum of Rs. 40,000/-, with one surety of the like amount, with the conditions that he will not tamper with the prosecution evidence and appear in the court on each and every date of hearing. Requisite bail bonds and surety bonds have not been furnished.

Copy of this order be sent to applicant/accused Rohit Kumar son of Bhana Ram through concerned Jail Superintendent through e-mail immediately in compliance of order dated 31.01.2023 passed by Hon'ble Supreme Court in Suo Moto Writ Petition (Cri.) No.4 of 2021 RE-Policy Strategy for grant of bail.

Bail application stands disposed off. Papers be tagged.

Date of Order: 20.01.2024
(Monika, Steno-II)
"Dictated Directly"

(Neeraj Goyal)
SDJM/Malout
UID No. PB0365