

**IN THE COURT OF SH.B.B.S.TEJI,
SESSIONS JUDGE, BARNALA.**
(U.I.D.No.PB0084)

CNR No.PBBR01-000571-2025
CIS No.BA/197/2025
Date of Order : 25.02.2025

Gurwinder Singh @ Gony son of Balkar Singh resident of Bhatt Majra,
Ghanaur, District Patiala.

...Applicant/accused

Versus

State of Punjab

Application for bail U/s.439 of Code of Criminal Procedure

F.I.R.No.427 dated 04.09.2023,
Under Section: 195-A, 506 of IPC
Police Station: City Barnala.

Present: Sh.Preet Mohinder Singh, Advocate counsel for
applicant/accused.
Mrs.Sukhraj Kaur Addl.Public Prosecutor for State.

ORDER

1. This is the first bail application for regular bail U/s.439 of CrPC moved on behalf of applicant in the above noted FIR.
2. Heard, learned counsel for applicant and learned Addl.Public Prosecutor for State and record perused.
3. As per case of prosecution, instant FIR has been registered on the statement of complainant Sunny Kumar on the allegations that he is a businessman. That on 01.11.2021, his swift car bearing registration no. PB-

19N-8821 and cash amount of Rs. 1 lac were snatched from him at Patiala and FIR no. 265 dated 02.11.2021 U/s 392, 201 of IPC & 25/54/59 of Arms Act, PS City Patiala had registered on his statement and trial of the said case is pending in the Court at Patiala. That on 12.11.2022, at about 08:33 PM, he received phone call from mobile no. 94745-23246 from unknown person, who threatened that in case he appeared as a witness in the above-said case, then they would kill him and his family and he is having recording of said conversation. He is having danger to his life from the above-said unknown persons and if any mis-happening occurred with him or his family, then the said persons will be responsible for the same. On this statement, present FIR was registered.

4. Learned counsel for applicant has submitted that applicant has been falsely implicated in the present FIR. That no offence U/s 195-A/506 of IPC is made out and police has wrongly registered the FIR under Sections 195-A, 506 of IPC, whereas complaint was required to be filed. That applicant is in custody since his arrest. That the conclusion of trial will take time and it shall serve no useful purpose by detaining the applicant behind bars for indefinite period.

5. On the other hand, Ld.Addl.Public Prosecutor has contended that the allegations are serious in nature. That the complainant on threat had approached police and the FIR is maintainable if the complainant approaches the police. Further, complainant has specifically levelled the

allegations that the applicant had threatened him not to depose as a witness in FIR no. 265 dated 02.11.2021 U/s 392, 201 of IPC & 25/54/59 of Arms Act, PS City Patiala and in the main FIR, the deposition of complainant is yet to be recorded and possibility of tampering with the evidence cannot be ruled out.

6. After considering the above, since the present FIR is offshoot of FIR no. 265 dated 02.11.2021 U/s 392, 201 of IPC & 25/54/59 of Arms Act, PS City Patiala, in main FIR, the deposition of complainant is yet to be recorded, which is not disputed. The possibility of tampering with the evidence cannot be ruled out. Keeping in view the nature of allegations, no ground is made out for concession of regular bail to applicant, at this stage. Finding no merit in the bail application, same is hereby dismissed. Bail papers be consigned to record room.

Announced.

Dated:25.02.2025

Amit Steno-II

(B.B.S.Teji)

Sessions Judge, Barnala

(PB0084)