

In the Court of Jatinder Pal Singh Khurmi, Additional Sessions
Judge, Hoshiarpur. (UID No.PB-0057).

CNR No.PBHO01-005163-2021
CIS Number: 1925 of 2021
Date of Order: 20.8.2021

Akashdeep @ Kashu aged 17 years son of Kuldeep Raj @ Kala Fauji, resident of Gurdevpur Mohalla, Mukerian, PS Mukerian, District Hoshiarpur (date of birth 21.2.2004)

.....Applicant-accused.

Versus

State of Punjab.

.....Respondent.

FIR No.96 dated 1.6.2021.
Under Section 379-B of IPC.
P.S Mukerian, Hoshiarpur.

(Application for regular bail U/s 439 Cr.P.C).

Present: Shri R.S Abhi, Counsel for applicant-accused.
Public Prosecutor for the State.

ORDER:

Applicant-accused Akashdeep @ Kashu is seeking regular bail under Section 439 Cr.P.C in abovesaid FIR. It is pleaded that the applicant is innocent and has been falsely implicated. He has committed no offence. Nothing is to be recovered from the applicant-accused. He is in custody since 1.6.2021. The presentation of challan and conclusion of trial will take time. He undertook to abide by the terms of bail and prayed for releasing him on bail.

2. Upon notice, Learned Additional PP for State has orally opposed the bail application. ASI Jaswind Lal No.106/Hpr, suffered statement that he has verified that this is first bail application of Akashdeep and no such bail

application is either filed or pending in the court of parallel jurisdiction or any other court or Hon'ble High Court.

3. I have heard the arguments of Learned Counsel for applicant-accused as well as Learned Additional PP for the State and have perused the record carefully. FIR in this case was registered on the statement of complainant Diya Nand Mandal son of Dohrahi Mandal of Ballia, Purnia, presently residing at Village Khanpur, Mukerian, District Hoshiarpur who stated that he is working as labourer since 15 years in Punjab. On 31.5.2021, he alongwith his associates were doing repair of house near Dhoota Wala Bagh. At about 2.00 PM, he went for taking lunch by foot and when he reached near Paramhans Road, then from Link Road, three boys came on scooter and snatched Mobile phone make Mi from his hands. One boy took out Rs.600/- from pocket of his shirt. Complainant further stated that later on, he came to know that Abhishek @ Sahil son of Satish Kumar and Akashdip @ Kashu son of Kuldip Raj and one unknown person had snatched his mobile phone and money and he prayed for taking action against the culprits. On the basis of statement of complainant, FIR was registered.

4. Both the accused were arrested on 1.6.2021 and during interrogation they got recovered mobile phone and money and complainant identified the same.

5. Learned Counsel for applicant-accused has pleaded that the applicant is innocent and has nothing to do with the alleged offence. Nothing is to be recovered from the applicant-accused. The applicant is in custody

since his arrest. On the contrary, Learned Additional PP for the State has argued that accused confessed snatching of mobile phone from the complainant and also got recovered the same, as such the applicant should not be released on regular bail.

6. Now from the facts of the case, it comes out that applicant-accused Abhishek alongwith his co-accused Akashdeep had snatched mobile phone and Rs.600/- from the complainant. During investigation, accused were apprehended on 1.6.2021 and got recovered mobile phone and money on the identification of complainant himself.

7. As earlier bail application of Abhishek was dismissed. Parity with Abhishek is not made out as it has come on record that applicant Akashdeep @ Ashu is juvenile. SI Sher Jaspal Singh vide report dated 19.8.2021 bearing No.634-5P dated 19.8.2021 has appended school certificate. As per school certificate, date of birth of Akashdeep is 21.2.2004. As such, his age comes to below 18 years at the time of occurrence. The Juvenile cannot be kept in custody alongwith other hardcore criminals. As such, this Court finds that it is a fit case for grant of regular bail. as the applicant-accused is in custody since his arrest i.e. 1.6.2021 and the presentation of challan and conclusion of trial may take time. No useful purpose will be served by keeping the applicant-accused in custody, rather it will be burden on the State Exchequer. Without commenting on the merits of the case, bail application filed by applicant-accused Akashdeep @ Kashu under Section 439 Cr.P.C is hereby allowed and he is ordered to be released on bail subject to his furnishing personal bail

bonds in the sum of Rs.50,000/- with one surety in the like amount before
Ilaqa/Duty Magistrate, subject to the conditions that he will appear in the court
on each and every date of hearing, will not tamper with the prosecution
evidence and will not leave India without prior permission of this court. Police
record returned. Bail application be consigned to the record room.

Announced in open Court:

Dated: 20th August, 2021.

‘Jaswinder Singh JW’

(Jatinder Pal Singh Khurmi),
Addl.Sessions Judge, Hoshiarpur.
(UID No.PB-0057).

Akashdeep @ Kashu Versus State. BA No.1925-2021.
(CNR No.PBHO01-005158-2021).

Present: Shri R.S Abhi, Counsel for applicant-accused.
Public Prosecutor for the State.

Vide my separate detailed order of even date, bail application filed by applicant-accused Akashdeep @ Kashu under Section 439 Cr.P.C, has been allowed, as detailed therein. Police file returned. Bail application be consigned to the record room.

Announced in open Court:
Dated: 20th August, 2021.
'Jaswinder Singh JW'

(Jatinder Pal Singh Khurmi),
Addl.Sessions Judge, Hoshiarpur.
(UID No.PB-0057).