

State of Punjab Vs Balwinder Gir

FIR No.261 dated 22.11.2021

U/S : 379, 411 IPC

PS : City Samana, Distt. Patiala

Present:- Sh.R.S.Cheema, Advocate for applicant/accused Balwinder Gir @ Gerry @ Vijay.
Sh.R.S.Sidhu, APP for the State.

Record produced.

Arguments heard on the bail application filed on behalf of accused Balwinder Gir @ Gerry @ Vijay, wherein it was pleaded that accused is innocent and has been falsely implicated in the present case. The recovery has already been effected. As such, learned counsel for accused/applicant has prayed for release of accused/applicant on bail.

Notice being served, learned APP for the State, has opposed the bail application on the ground that accused has committed serious offence. As such, prayer for dismissal of the present bail application has been made.

I have heard the contradictory versions of the contesting parties and have deliberated over the arguments advanced in the light of documents, peculiar facts and circumstances and submissions made and gone through the police record.

Police record perused. Accused is in custody in this case since 25.11.2021. It is evident from the police record that recovery has already been effected from accused. The presentation of challan and conclusion of investigation will take its own time. Criminality of accused if any is a matter of trial. It is cardinal principle of criminal jurisprudence that accused is presumed to be innocent, until proved guilty. Moreover, it is

rule of criminal law that there should be bail, but not jail. Thus, no useful purpose will be served by keeping the accused behind bars, rather it will be a burden on State Exchequer. As such, the present bail application is hereby allowed and accused is ordered to be released on bail on furnishing bail bonds in the sum of Rs. 50,000/- with one surety in the like amount. Bail bonds and surety bonds not furnished. Papers be attached with the remad papers of accused.

Date of Order : 30.11.2021	(Mamta Kakkar), PCS,
Kamalbir Singh, Stenographer-III	Sub Divisional Judicial Magistrate
	Samana. UID No.PB0359.