

Present: APP for the State.
SH PS Virk counsel for applicant.

This order of mine will dispose of an application moved by accused for grant of bail to him in this case. It has been contended by the accused-applicant that the accused is in custody from dated 16.11.2019. It is the first bail application of the accused and before filing this application, neither he has filed any other bail application in the Ld. Higher Court and nor any application is pending. The present case has been wrongly planted upon the accused/applicant. Nothing has been recovered from the accused. The accused will not abscond nor tamper with the prosecution evidence. The accused is having sufficient immovable property, so there is no fear of absconding from the trial. The presentation of the challan will take considerable long time and to keep the applicant in jail will amounts to punishment. The accused will appear on each and every hearing of the case. Hence, prayed for releasing him on bail.

2. Notice of the bail application has been given to the State/Ld.APP. Though the learned APP for the State has not filed any reply, but otherwise he contested the claim of the prosecution on the ground that accused “may” misuse the concession of bail. Hence, prayed for dismissal of the same.

3. I have heard learned APP for the State and the ld.defence counsel and have also gone through the record.

4. Accused is in judicial custody. The Court finds no ground to keep the accused behind the bars as the presentation of challan and the conclusion of trial will take a considerable time, so no useful purpose would be served by detaining him in judicial custody, rather it would amount to the burden on the State Exchequer. The bail is a rule and refusal is an exception. Applying these considerations and keeping in view the facts and circumstances of the case, so accused is admitted to bail subject to his furnishing bail bonds in the sum of Rs.15,000/- with one surety in the like amount with the conditions that accused will produce on each and every date of hearing, will not abscond nor tamper with the prosecution evidence and will not leave the country without prior permission of the Court. The application moved by accused stands disposed of, without expressing any opinion of the merits of the case.

Pronounced in open court: 26.11.2019.
Shobha

(Harpreet Kaur),
Sub Divisional, Judicial Magistrate,
Sardulgarh/(PB0312).