

PBGDA10027032020



Presented on : 24-09-2020
Registered on : 24-09-2020
Decided on : 29-09-2020
Duration : 0 years, 0 months, 5 days

**IN THE COURT OF
Judicial Magistrate - Ist Class
AT Batala, Gurdaspur
(Presided Over by Ms. Divya Sharma)**

BA/311/2020

Present: Ld. APP for the State.
Shri Manbir Singh Ghuman, Advocate counsel for
accused-applicant Sunny @ Sonu.

1. This order of mine shall dispose off an application for bail moved on behalf of accused/applicant Sunny @ Sonu through his counsel.
2. In the application it is averred that accused is innocent and has been falsely implicated in the present case. Further, submitted that there is no evidence with the prosecution which could connect the accused with the present case. The accused is in custody since 21.08.2020, hence, prayed that the present application be allowed and accused be admitted to bail in the interest of justice.
3. Notice being served, learned APP for the State has opposed the bail application on the ground that accused has committed serious offence and was declared proclaimed person by the court. As such, prayer for dismissal of the present bail application has been made.

4. I have considered 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.

5. File perused. As per the prosecution, accused Sunny/Sonu was declared as proclaimed person on 16.05.2016 by the court of Smt. Mamta Kakkar, the then Ld. JMIC, Batala. File was summoned from the record room, perusal of which transpires that on 09.03.2016, SI Sushil Kumar had moved an application seeking arrest warrant of accused in the present case. On the orders passed by Smt. Balwinder Kaur Dhaliwal, the then Ld. JMIC, Batala, non bailable warrants were issued against accused Sunny @ Sonu, consequent to which he was declared as proclaimed person on 16.05.2016 by the Court of Smt. Mamta Kakkar, the then Ld. JMIC, Batala. It is pertinent to mention here that in the present case accused has not exercised his right to be released on bail even once and was declared as proclaimed person on the application for warrant of arrest sought by the police. Criminality of accused is a matter of trial. It is cardinal principle of criminal jurisprudence that accused is presumed to be innocent, until proved guilty. Presentation of challan and then conclusion of trial will take time. As such, the present bail application is hereby allowed and accused Sunny @ Sonu 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. Accordingly, papers be attached with the main file.

Pronounced in Open Court:
Dated: 29.09.2020.

(Divya Sharma) PCS,
Judicial Magistrate Ist Class,
Batala. UID No. PB 0539