

**IN THE COURT OF NEERAJ GOYAL,
SUB DIVISIONAL JUDICIAL MAGISTRATE
MALOUT, UID NO. PB0365**

BA/307/2021

State vs. Vishal

FIR No. 136 of 16.07.2021,

Under Sections:- 61/1/14 Excise Act.

Police Station: City Malout

Present:- Shri Harpreet Singh Karaiwala, Advocate Counsel for the
applicant / accused **Vishal S/o Bharat Bhushan**.

Shri H.S Kahlon, APP for the State.

Heard on the bail application moved on behalf of applicant /
accused **Vishal S/o Bharat Bhushan**. In support of the bail application,
it has been submitted that the applicant / accused has been falsely
implicated in the present case and the applicant / accused has also
problem in liver. Further, ld. Counsel for applicant / accused averred that
it will take long time in filling of challan and completion of trial and that
due to COVID-19 disease, it is not safe to lodge the accused in jail as his
life is in danger. The applicant / accused **Vishal S/o Bharat Bhushan**
undertakes to abide by all the terms and conditions which may be
imposed by the Court. Thus, prayed for concession of bail.

On the other hand, the learned APP for the State orally
opposed the bail application and has not filed any written reply. He
submitted that the applicant / accused has committed serious offence, so
he should not be released on bail.

Heard. Record perused. From a careful consideration of the
rival contentions, it is to be stated that the applicant / accused is in
custody in the present case since 17.07.2021. Considering the nature of
the offence and especially the prevailing conditions of threat of spreading
the deadly virus i.e. COVID-19, it is in the fitness of things to grant bail
to the accused. Moreover, in these prevailing conditions, it is necessary to
keep accused of such like offences out of jail to prevent congestion in the

jails, which are otherwise facing problem of overcrowding, more especially when as per the directions dated 25.03.2020, 02.05.2020, 31.07.2020, 18.11.2020, 05.02.2021, 23.04.2021 and 10.05.2021 issued by the High Power Committee headed by the Hon'ble Chairperson, Punjab State Legal Services Authority, SAS Nagar, Punjab, in view of the guidelines issued by the Hon'ble Supreme Court of India on 23.03.2020 in Suo Motu Writ Petition (Civil) No.1/2020- in RE : Contagion of Covid-19, exercise of decongesting the jails, by releasing the convicts on parole and under-trials on interim bail, has already been and is still being undertaken in State of Punjab. Further, conclusion of trial will take long time, so a lenient view is taken against the applicant / accused Vishal S/o Bharat Bhushan and further no useful purpose will be served by detaining him in custody during the proceedings of the present case and even otherwise it is not the case of the prosecution that if released on bail, accused / applicant will tamper with the prosecution witnesses.

So, in view of my aforesaid observations, the present bail application filed on behalf of applicant / accused Vishal S/o Bharat Bhushan is allowed and applicant / accused Vishal S/o Bharat Bhushan is ordered to be released on bail on his furnishing bail bonds in the sum of Rs. 20,000/-, with one surety of the like amount, with the conditions that he will not tamper with the prosecution evidence and appear in the court on each and every date of hearing. Requisite bail bonds and surety bonds have not been furnished.

Bail application stands disposed off. Papers be tagged with relevant case FIR.

Date of Order: 20.07.2021
(Yadwinder Singh, Steno-III)

(Neeraj Goyal)
SDJM/Malout
UID No. PB0365

“Dictated Directly”