

State Vs Deedo Masih etc.
BA-262-2018

Mamta Kakkar, PCS
JMIC/UIDPB0359

BA-262-2018

FIR No.113/2018
Under section 61-1-14 Excise Act
P.S.Dera Baba Nanak

Present: Ms. Neeraj Azad, APP for the State.
Sh. P.S.Bedi, Advocate counsel for accused-applicants

Heard on the bail application moved on behalf of accused/applicants Deedo Masih and Bau Masih, wherein it was pleaded that accused are innocent and has been falsely implicated in the present case and recovery if any has already been effected from them, as such, learned counsel for accused/applicants has prayed for release of accused/applicant on bail

Upon notice, learned APP for the State has opposed the bail application on the ground that accused have committed serious offence and has prayed for dismissal of the present bail application.

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.

Police record perused. Accused Deedo Masih and Bau Masih are in custody in this case since 09.08.2018. No doubt, the offence involved is non bailable one, but the presentation of challan and then conclusion of trial will take time. Moreover, recovery has already been effected. 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 period guilty. 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 Deedo Masih and Bau Masih are ordered to be released on bail on furnishing bail bonds in the sum of Rs. 50,000/- each with one surety in the like amount. Requisite Bail bonds and surety bond furnished, which have been accepted and attested. Necessary release order be issued as per rules. Ahlmad is directed to tag the papers with main FIR/remand papers.

Date of Order : 16.08.2018

(Mamta Kakkar), PCS,
Judicial Magistrate Ist Class,
Batala. PB0359.

Nitesh Kumar,
Stenographer-II

Mamta Kakkar, PCS
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