

State Vs. Khushpal Singh BA 1-2018

FIR No.61 dated 18.07.2017
Under Section s 452,324,341 and 34 of IPC,
Police Station Badhni Kalan.

Present: Shri Gurpreet Singh Kangarh, Advocate for the applicant-accused Khushpal Singh
Shri Amrit Mittal, APP for the State.

1. Heard on the application, moved on behalf of applicant-accused **Khushpal Singh under Section 437 Cr.P.C.** for releasing him on bail in this case, till the decision of the case. In this application, it has been alleged that the applicant-accused is innocent and has been falsely implicated in this case. The false case has been registered against the applicant-accused as the applicant-accused has not committed any offence as alleged by the police. The applicant-accused is in custody since 02.01.2018. Presentation of challan and conclusion of trial will take long time and no useful purpose will be served by keeping the accused behind the bar. Hence, the present bail application.

2. Notice of the bail application has been given to the State. Though the learned APP for the State has not filed any reply, but otherwise he contested the claim of the accused.

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

4. The accused-applicant is in custody since 02.01.2018. His further detention is not required for the purpose of investigation. Presentation of challan and conclusion of trial will take long time so no useful purpose would be served by keeping the accused in judicial 03.01.2018 custody. Keeping the accused behind the bars during this period would amount to put unnecessary 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 and the custody period of applicant-accused, he is ordered to be released to bail on his furnishing bail bonds in the sum of Rs.50,000/- with one surety in the like amount subject to the following conditions:-

1. That such person shall attend in accordance with the conditions of the bond executed under the chapter.
2. That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.
3. That such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence.
4. That such person shall inform the court in case of change of his address immediately without any delay.
5. That such person shall not leave the country without the prior permission of the court.
6. That in case such person is having a passport, then he must supply the copies of the same and in case he is not having passport, then he must submit an affidavit qua the said fact.
7. That he shall furnish his e-mail ID and mobile number to the investigating officer and any message sent to him through e-mail or SMS shall be treated as service of notice on him to join the investigation or to appear before the Court;
8. That in case such person mis-uses the concession of bail and absents from proceeding before this Court, this bail order shall stand cancelled automatically.

Sd/-

Pronounced:
18.01.2018.

Satnam Kaur stenographer-III.

(Pankaj Verma), PCS,
Sub Divisional Judicial Magistrate,
Nihal Singh Wala.
UID No.PB0314

At this stage bail bonds and surety bonds furnished. Same stands accepted and attested. Release warrants be issued immediately.

Pronounced:
18.01.2018.

Satnam Kaur stenographer-III.

Sd/-
(Pankaj Verma), PCS,
Sub Divisional Judicial Magistrate,
Nihal Singh Wala.
UID No.PB0314