

State vs. Naib Singh

BA-181-2023

CNR No.PBMNA10009062023

Present : Sh. Ashwani Kumar Goyal, Advocate counsel for applicant-accused.
Ld. APP for the State.

Police record perused. Argument have been heard upon the application filed for bail on behalf of applicant-accused. It is averred in the application that no other bail application is pending before any of the Court. This is the first bail application. It is further averred in the application that accused was falsely implicated in this case as nothing was recovered from him and he is innocent person. The application be allowed.

Further, as per report of Ahlmad, no bail application is pending before any Hon'ble Punjab & Haryana High Court or any other Court.

On the other hand, the learned APP for the State filed no reply, rather orally opposed the contents and has prayed for dismissal thereof.

Further, HC Darshan Singh No. 819/Mansa has suffered a statement that he is investigating officer of FIR No. 82 dated 25.06.2023, under Section 61 of Excise Act, PS Bareta. No other case is pending against accused Naib Singh and no bail application was pending against him.

The applicant-accused was arrested on 25.06.2023 and vide order dated 26.06.2023, he was sent to judicial custody and since then he is behind the bars. On the other hand, learned counsel for accused-applicant pleaded that he is innocent and no recovery has been effected from him. To my view at this stage, there is nothing to suggest that accused will run away from the criminal justice system and rather applicant-accused stated in the application that he will appear the Court or police as and when called for. Further the said allegations and its denial is matter of evidence.

Recovery has already been effected in this case. Therefore, by considering the allegations against the accused and custody already undergone by him, I find that no useful purpose would be served by keeping the accused behind the bars for any further period especially when the completion of the investigation and conclusion of trial may take reasonably long time and no custodial interrogation is required. Furthermore, bail is the rule and Jail is exception, except where there are circumstances suggestive of fleeing of accused from justice or thwarting. This view of mine got support from ***State of Rajasthan, Jaipur Vs Bal Chand alias Baliay AIR 1977 (SC) 2447***. Further, to keep him (accused) behind the bars for further more time will may also cause unnecessarily financial burden upon the Ex-chequer of the State. Thus, without commenting upon the merits of case, the accused are hereby admitted on bail for the offence under section 61 Excise Act subject to furnishing bail bonds and surety bonds for an amount of Rs.10,000/- as per following conditions:

- (i) The applicant will not commit an offence similar to offence of which he is accused.
- (ii) The applicant will appear on each and every date of hearing whenever directed by the court.
- (iii) The applicant 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.

Necessary bail bonds and surety bonds has been furnished which are accepted and attested. Release warrant be issued immediately. Papers be tagged with remand/FIR.

Date of Order: 01.07.2023
Shelly

Jasika Vij, PCS
JMIC, Budhlada,
UID No.PB 0664