

State Vs. Avtar Singh
BA No.14/2024 FIR No.227/27.12.2023

Present: Sh. Parvinder Kamboj, Advocate, counsel for the
 accused/applicant Avtar Singh.
 Sh. Baljit Singh Kamboj, APP for the State.

This order of mine shall dispose of bail application moved by the counsel for the accused/applicant Avtar, wherein it has been averred that facts narrated in the FIR are false, frivolous and fabricated and the accused has been falsely implicated in the present case. The present FIR has been registered due to political vendetta against the accused. Hence, this application.

Learned APP for the State did not file the reply but argued that accused shall not be released on bail keeping in view the gravity of the offence.

I have heard learned defence counsel and learned APP for the State on the application for bail of accused. The allegations against the accused are that accused and his co-accused have committed the theft of utensils from the shop of complainant. Accused is in custody since 27.12.2023. The case is triable by Court of Magistrate. The guilt of accused is to be determined after the conclusion of trial, which is likely to take sometime. In such like matters, the rule of bail is liberal, as for small offences, bail is rule and jail is exception. Even presentation of challan may take some time. Hence, accused is admitted to bail on his furnishing bail bonds and surety bonds in the sum of Rs.50,000/- with one surety in like amount, subject to the conditions as under:-

- Applicant shall appear before the learned trial court on each and every date of hearing.
- Applicant shall not leave India without prior permission of learned trial court.
- Applicant shall not make any inducement, threat or promise to any person acquainted with this case.

Ld. Counsel for accused also moved an application qua releasing the accused on personal bonds. In view of the request made by Ld. Counsel for the accused, personal bonds of accused furnished, which are accepted and attested. Release warrants of accused be issued forthwith. Papers be attached with the remand papers.

Further, in view of directions dated 31.01.2023 by Hon'ble Supreme Court of India pertaining to bail matters, duly conveyed to all the Courts and further in view of office order dated 19.04.2023 bearing Endst.No.2826/EB and 2827/EB – both dated 19.04.2023 from office of Learned District & Sessions Judge, Fazilka, copy of this order be

supplied/provided to System Assistant for forwarding the same to concerned Jail Authorities, in its letter and spirit. Apart from that the P.L.V. (Para-Legal Volunteer) attached with Front Office be supplied additional copy of this order to assist the System Assistant in said matter.

Announced in open court.

Dt: 24.01.2024.

(Manjit Singh, Stenographer-I)

**(Hem Amrit Mahi), PCS
Sub Divisional Judicial Magistrate,
Jalalabad (West)
UID No. PB00337**