

State Versus Harjinder Singh

BA 191-2021

Present: Sh. Amrit Mittal, APP for the State.

Sh. Ashish Grover, Adv. counsel for accused/applicant.

ORDER

This order of the Court shall decide a bail application having been filed on behalf of accused **Harjinder Singh @ Brar in FIR No. 122 dated 13.12.2021 registered against him under Section 61/1/14 of Excise Act, at P.S. Samalsar**. It has been averred in the bail application that accused has been falsely implicated in the present case. It has been further averred that there is no tangible evidence to connect the accused with the alleged crime. It has been further averred that alleged recovery has already been effected and applicant is no more required in this case. At end, it has been prayed that accused/applicant is in custody, as such, he may be released on bail.

2. Upon notice, Sh. Amrit Mittal, Ld. APP has appeared on behalf of the State, but he did not intend to file reply to the present application and opposed the same on the grounds of gravity of offences.

3. From the perusal of the case file, it reveals that allegations against the accused are under Section 61 of Excise Act. The accused/applicant was arrested on 13.12.2021.

I have given thoughtful consideration to the respective submissions of both the sides and gone through the documents and police record.

The quantity of liquor recovered from the accused is 100 bottles. He was sent to judicial custody on 16.12.2021. The allegations against the applicant/accused are serious in nature and the accused if released could be a menace to the society at large. Reliance can be placed on the observations made in case State of Punjab Vs Jaspal Singh Gill, AIR 1984, (Supreme Court)1503 whereby it has been laid down as under:-

While granting the bail in Non-bailable offence, the court should take into consideration the following facts amongst others:-

1. Nature and gravity of offence.
2. Reasonable probability of the presence of the accused to be secured.
3. Possibility of the accused regarding his indulgence in tempering with the prosecution evidence.
4. Larger interest of State or public.

So applying these considerations and keeping in view the facts and circumstances of the case, without commenting upon the merits of the case, this Court is constrained to hold that the accused/applicant does not deserve the concession of bail in this case. Thus, the application is hereby dismissed without expressing any opinion on the merits of the case. File be consigned to the record room.

Date of Order: 24.12.2021

Sangam Kaushal PCS,
JMIC/Baghapurana.
UID No. PB0639