

State vs. Wazir Singh

BA-179-2023

Present : Sh. JS Dod 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, reply to the application has been filed by learned APP for the State. It is averred that in the present case applicant Wazir Sing son of Raja Singh resident of Village Piplian Road Bareh was arrested from his house on the basis of secret information by the police official of PS Boha on 16.06.2023 and 84 bottles were recovered from his house. It is further averred that in the present case accused was caught with huge quantity of 84 bottles of country made liquor make Sehjadi Haryana which is a serious offence and impact the whole society at large and has prayed for dismissal thereof.

Further, HC Rinku Singh No. 510/Mansa has suffered a statement that he is investigating officer of FIR No. 77 dated 16.06.2023 under Section 61 of Excise Act, PS Boha. No other bail application or other FIR was registered against the accused-applicant Wazir Singh.

The applicant-accused was arrested on 16.06.2023 and vide

order dated 17.06.2023, 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 have 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 Baliy 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 sections 61 of Excise Act subject to furnishing bail bonds and surety bonds for an amount of Rs.20,000/- and 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 not been furnished.

Application stands disposed of accordingly. Papers be tagged with remand/FIR.

Date of Order: 23.06.2023
Akshey

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