

Present : Sh. Jitender Singh, APP for the State.
Sh. S.S. Sandhu Advocate for applicant / accused Kala.

The present order shall dispose off bail application filed by the applicant / accused Kala through counsel for allegedly committing the offence punishable under Section 61/1/14 of Punjab Excise Act.

2. The ld. Counsel for the applicant / accused submitted that the applicant / accused has been falsely implicated in the present case and he has not committed any such offence. The Ld. Counsel further submitted that no recovery is to be effected from the applicant / accused. Hence, a prayer for releasing the accused / applicant on bail has been made.

3. On the other hand reply to the bail application filed by learned Addl.P.P wherein denied the averments made in the application. The Ld. APP for the State submitted that accused is also involved in 18 other cases i.e. FIR No. 18 dated 23-03-2008, FIR No. 44 dated 24-03-2014, FIR No. 5 dated 09-01-2016, FIR No. 62 dated 02-07-2018, FIR No. 86 dated 01-11-2019, FIR No. 34 dated 26-05-2003, FIR No. 177 dated 05-04-2003, FIR No. 28 dated 28-04-2005, FIR No. 50 dated 24-08-2007, FIR No. 68 dated 09-10-2007, FIR NO. 3 dated 04-01-2009, FIR No. 416 dated 15-08-2009, FIR No. 12 dated 02-02-2015, FIR No. 99 dated 17-10-2017, FIR NO. 86 dated 01-11-2019, FIR No. 272 dated 12-10-2019, FIR No. 25 dated 02-03-2021 & FIR No. 88 dated 10-09-2023. The Ld. APP for state submitted that the accused / applicant has committed serious offence and he is not entitled for concession of bail and prayed for the dismissal of the bail application.

4. I have heard Ld. Counsel for the applicant / accused and Ld. APP for the State and have gone through the record carefully.

5. Accused has been booked for allegedly committing the offence under Section 61/1/14, Excise Act. Perusal of papers shows that accused is in custody since 21-07-2025. The allegations levelled against the applicant / accused are yet to be proved. Nothing is to be recovered from the applicant / accused. Although it has been stated that the accused person has been involved in eighteen other cases as stated above. However, this does not mean that he has been convicted in that cases and mere pendency of the cases in which decision has yet to come does not debar the accused person for the right of their bail and it is well settled principle that bail is a rule and jail is an exception. The Hon'ble Supreme Court has observed that the prolong incarceration before being pronounce guilty of an offence should not be presumed to become punishment without trial. Further the presentation of challan and thereafter, conclusion of trial would take a long time and no useful purpose will be served by keeping the applicant / accused in custody for indefinite period. Thus, keeping in view the facts and circumstances of the present case, the applicant / accused namely Kala is admitted to bail in the present case under Section 61-1/14 of Excise Act on his furnishing of bail bonds in the sum of Rs. 1,00,000/- with one surety of the like amount, subject to following conditions:-

- 1) The applicant shall appear in the Court on each and every date of hearing.
- 2) The applicant shall not interfere in the investigation or indulge themselves in influencing or threatening the witnesses.
- 3) The applicant shall not leave the territory of India without the prior permission of the Court.

Requisite bail bonds / surety bonds on behalf of accused not furnished. Let papers be tagged with FIR.

Pronounced in open Court
04-08-2025
(Disha Ahuja, Stenographer Gr. II)

(Kanwal Jit Singh), PCS
JMIC/Rajpura/UID No. PB0493
Directly dictated on computer