

State Vs Gurwinder Singh @ Gidi BA 175-2020

FIR No. 173 dated 19.09.2020
U/S 61/1/14 Excise Act
PS Nihal Singh Wala

Present: Mr.G.S.Kangarh, Advocate counsel for applicant-
accused (Through Video Conference).
Sh.Amrit Mittal, APP for the State

Heard on the application, moved on behalf of applicant-accused Gurwinder Singh @ Gidi under Section 437 Cr.P.C. for releasing him on bail in this case, till the decision of the case. In this application, it has been alleged that the accused/applicant has been falsely implicated in this case. The accused/applicant is custody since 07.09.2020. Presentation of challan and Conclusion of trial will take long time and no useful purpose will be served by keeping the accused behind the bar. Hence, the present bail application.

2. Notice of the bail application has been given to the State. Though the learned APP for the State has not filed any reply, but otherwise he contested the claim of the accused.

3. I have heard learned APP for the State and the learned defence counsel and have also gone through the record.

4. The applicant-accused is in custody since 07.09.2020. His further detention is not required for the purpose of investigation. Presentation of challan and Conclusion of trial will take long time so no useful purpose would be served by keeping the accused in judicial custody. Keeping the accused behind the bars during this period would amount to put unnecessary burden on the State Exchequer. The bail is a rule and refusal is an exception. Applying these considerations and keeping in view the facts and circumstances of the case and the custody period of applicant-accused, he is ordered to be released on bail on his furnishing personal bonds and surety bonds in the sum of ₹ 45,000/- with

one surety in the like amount, **subject to the following conditions:-**

1. That such person shall attend in accordance with the conditions of the bond executed under the chapter.
2. That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which they are suspected.
3. That such person 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.
4. That such person shall inform the court in case of change of his address immediately without any delay.
5. That such person shall not leave the country without the prior permission of the court.
6. That in case such person is having a passport, then he must supply the copies of the same and in case he is not having passport, then he must submit an affidavit qua the said fact.
7. That he shall furnish his e-mail ID and mobile number to the investigating officer and any message sent to him through e-mail or SMS shall be treated as service of notice on him to join the investigation or to appear before the Court;
8. That in case such person mis-uses the concession of bail and absents from proceeding before this Court, this bail order shall stand cancelled automatically.

Dt:16.10.2020

Yograj Garg STG-III

***(Amandeep Kaur), PCS,
Sub Divisional Judicial Magistrate
Nihal Singh Wala.
(U.I.D. No. PB0307)***