

PBGDA10015072021



Presented on : 05-04-2021
Registered on : 05-04-2021
Decided on : 09-04-2021
Duration : 0 years, 0 months, 4 days

FIR No. : 98 dated 08.08.2020
Under Section : 61-1-14 Excise Act.
Police Station : Qadian, Batala.

Present: APP for the State assisted by
ASI Manjit Singh NO. 2808/BTL, P.S. Qadian.
Sh. Amandeep Singh, Advocate, for accused Baljinder Singh.

File put up before me being Duty Magistrate as Ld. Presiding Officer has relinquished the charge and new Presiding Officer has not taken over the charge.

Heard on the bail application filed by accused/applicant Baljinder Singh, wherein it was pleaded that accused is innocent and has been falsely implicated in the present case. He is in judicial lock up since 28.03.2021. As such, learned counsel for accused/applicant has prayed for release of accused/applicant on bail.

Upon notice, learned APP for the State, appeared and opposed the bail application on the ground that accused has committed serious offence. As such prayer for dismissal of the present bail application has been made.

I have considered the contradictory versions of the contesting parties and have deliberated over the arguments advanced in the light of documents, peculiar facts and circumstances and submissions made.

Police record perused. ASI Manjit Singh NO. 2808/BTL, P.S. Qadian appeared and suffered statement to the effect that accused Baljinder

Singh @ Sonu has been arrested in this case and he is judicial custody since 28.03.2021 and recovery has already been effected and no other case is pending against above named accused.

Perusal of file reveals that accused is already in judicial custody since 28.03.2021 on the recovery of 40 bottles of illicit liquor. The presentation of challan and then conclusion of trial will take time. Moreover, recovery has already been effected. Criminality of accused if any is a matter of trial. It is cardinal principle of criminal jurisprudence that accused is presumed to be innocent, until period guilty. Thus, no useful purpose will be served by keeping the accused behind bars, rather it will be a burden on State Exchequer. As such, the present bail application is hereby allowed and accused Baljinder Singh is ordered to be released on bail on furnishing bail bonds in the sum of Rs. 50,000/- with one surety in the like amount. Bail bonds and surety bonds not furnished. Papers be sent back the concerned court immediately.

Pronounced in open Court :
Dated: 09.04.2021.
Vineet Behl, Steno-II

(M.P.S. Libra) PCS,
Judicial Magistrate Ist Class,
Batala. (Duty)
UID No. PB0653