

State Versus Kulwinder Singh

**FIR No.72 dated 07.09.2020.
U/s 61/1/14 of Excise Act.
Police Station Badhni Kalan.**

Present: Mr. Daljit Singh Dhaliwal, Advocate for applicant-accused (through video conferencing).
Mr. Amrit Mittal, APP for the State (through video conferencing).

Heard on the application moved on behalf of applicant-accused for grant of bail to him in this case, on the ground that the applicant-accused is innocent and has been falsely implicated in this case. No recovery has been effected from him as alleged by the prosecution. The applicant-accused is in custody since 07.09.2020. The trial of the case will take long time and no useful purpose will be served by keeping the applicant-accused behind bars. The applicant-accused shall not temper with the prosecution evidence after obtaining bail and he shall not leave India without prior permission of the Court. At end learned counsel for the applicant-accused prayed that applicant-accused may kindly be released on bail till the decision of the case.

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. Recovery has already been affected from him and as such the applicant-accused is not required by the police for the purpose of investigation. Conclusion of trial will take long time so no useful purpose would be served by keeping the accused in custody for an indefinite period. Keeping the accused in custody 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, present bail application is allowed and accused is ordered to be released to bail on his furnishing bail bonds in the sum of ₹.45,000/- with one surety in the like amount, **with the direction to furnish surety bonds of the same amount in the Court immediately after the**

suspension of unlock/when the normal situation will arise in the State,
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 he is 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 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.
7. 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.
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.

Sd/-

Pronounced:
14.09.2020.

Angrej Singh, STG-II.

(Amandeep Kaur), PCS,
Sub Divisional Judicial Magistrate,
Nihal Singh Wala,
(Direct Dictation),
(UID No.PB-0307).

Personal bail bond furnished, which is accepted and attested. Release warrant be issued in this regard. **Applicant-accused is directed to furnish surety bonds in the Court immediately after the suspension of unlock/when the normal situation will arise in the State.** Papers be attached with the remand papers.

Sd/-

Dt.14.09.2020.
Angrej Singh, STG-II.

(Amandeep Kaur), PCS,
Sub Divisional Judicial Magistrate,
Nihal Singh Wala.
(UID No.PB-0307).

