

IN THE COURT OF SH. K.K. SINGLA,
ADDL. SESSIONS JUDGE, GURDASPUR.

CIS BA No. 3047 of 2020
CNR No. PBGD01-006039-2020
Date of decision : 21.09.2020

Satnam Singh son of Joginder Singh, resident of Village Talwandi
Bakhta, Tehsil Batala, District Gurdaspur.

.....Accused/applicant.

Versus

State of Punjab.

..Respondent.

FIR No. 177 dated 11.09.2020,
Offence U/s 61/1/14 of Pb. Excise Act,
Police Station Sadar, Batala.

Ist application U/s 438 Cr.P.C.

Present:- Sh. Jagjit Singh, Adv. counsel for applicant/accused
Sh. Vikram Kashyap, Addl. PP for the State.

- heard through VC

1. This order of mine shall dispose of anticipatory bail application under Section 438 Cr. P.C filed on behalf of applicant/accused Satnam Singh, in case FIR No.177 dated 11.09.2020, Offence U/s 61/1/14 of Pb. Excise Act and Police Station Sadar, Batala.
2. Allegations are that on 11.09.2020 SI Balwinder Singh alongwith other police party was going towards Villages Hassanpur, Talwandi Bakhta etc., in connection with patrolling and checking of suspicious persons and when the police party reached Village Talwandi Bakhta, a secret information was received that applicant/accused is indulged in distilling and selling the illicit liquor in his house and if a raid is conducted,

accused can be apprehended with illicit liquor. Since the information was reliable, raid was conducted and accused slipped away after seeing the police party and ultimately, 20 Kgs. Lahan was recovered from the place of recovery.

3. Upon notice, Sh Vikram Kashyap, Ld. Addl.P.P has appeared on behalf of the State.

4. Record has been produced.

5. Arguments heard.

6. Contention of Sh. Jagjit Singh, Advocate, counsel for the applicant/accused is that applicant/accused has been falsely implicated in the present case. There is no evidence to connect the accused with the recovered material. Recovery has already been effected. Accused/applicant was not apprehended at the spot. Identity of applicant/accused is seriously in dispute. Applicant/accused is ready to join investigation and co operate with the Investigating Agency. Prayer is accordingly made to grant anticipatory bail to applicant/accused.

7. On the other hand, these submissions have been refuted by Sh. Vikram Kashyap, Ld. Addl. PP for the State His contention is that Accused/applicant is habitual in the business of liquor. So no case is made out for grant of anticipatory bail.

8. Submissions have been considered.

9. After considering facts and circumferences of the case, this Court considers that effective investigation can be carried out

without custodial interrogation of applicants/accused. Nothing previous has been produced against the accused to show that he is habitual offender. Moreover, he was not apprehended from the spot.

10. As no previous case was there against the accused, so it is doubtful as to how accused/applicant was identified. Hence, application moved by applicant/accused stands allowed and it is ordered that applicant/accused in the present case will join the investigation within 10 days from today and will fully cooperate and assist the Investigating Agency. On her doing so, in the event of arrest of applicant/accused, she will be released on bail to the satisfaction of I.O/Arresting Officer subject to the following condition:-

He/She shall make herself/himself available for interrogation by a police officer as and when required.

- He/she 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;
- and
- He/she shall not leave India without previous permission of the Court .

11. In case, accused-applicant fail to comply with the order of the Court as ordered above, then anticipatory bail application moved by accused-applicant will be deemed to be dismissed.

12. It is made clear that I.O of the present case will make every effort to join the applicant/accused in the investigation by taking the condition of applicant/accused into consideration that she/he will be unable to appear in the Police Station time and again due to problem of Covid-19 (Corona-virus), going on in these days.

13 In case, accused-applicant feels any inconvenience from the side of investigating officer to join in investigation as per the order then in order to join in investigation he/she can approach to Ld. Illaqa Magistrate/Duty Magistrate. On this, Ld. Illaqa Magistrate/Duty Magistrate, will make required directions to investigating officer/arresting officer to join the accused-applicant in investigation.

14. Record be returned immediately.

15. File be consigned to the record room.

Dated:-21.09.2020
Sanjeev Kumar
Stenographer-I

(K.K.Singla)
Additional Sessions Judge,
Gurdaspur.
UID No. PB 0197

Present:- Sh. Jagjit Singh, Adv. counsel for applicant/accused
Sh. Vikram Kashyap, Addl. PP for the State.

- heard through VC

Statement of SI Balwinder No. 2396 , P.S. Sadar, Gurdaspur, has been recorded. Arguments heard. Vide my separate order, the anticipatory bail application moved by accused-applicant stands allowed as stated therein.

Record be returned and bail application file be consigned to the record room, Gurdaspur.

Dated:-21.09.2020	(K.K.Singla)
Sanjeev Kumar	Additional Sessions Judge,
Stenographer-I	Gurdaspur.
	UID No. PB 0197