

IN THE COURT OF RAMAN KUMAR, ADDITIONAL SESSIONS
JUDGE, KAPURTHALA. UID:PB0183.

CNR No. PBKP010006182021



Case No. BA/302/2021

Presented on : 17-02-2021

Registered on : 18-02-2021

Decided on : 24-02-2021

Sukhjinder @ Sukhwinder Singh son of Balwinder Singh, resident of
village Villa Kothi, District Kapurthala.

..... Applicant/Accused

Versus

State of Punjab.

.....Respondent.

FIR No.26 dated 31.01.2021.

U/s 61/1/14 Excise Act.

P.S.Kotwali, Kapurthala.

(Bail application under Section 438 Cr.P.C.)

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Present: Sh.Suresh Chopra,Adv.counsel for applicant/accused.
Sh.J.S.Marok, Additional PP for the State/respondent.

ORDER

The present bail application has been filed under Section 438
Cr.P.C. It is argued by counsel for applicant/accused that the police of P.S.
Kotwali, Kapurthala has registered a false case against the applicant/accused
only on the basis of secret information. Applicant/accused has nothing to do
Raman Kumar, Addl.Sessions Judge, Kapurthala. UID-PB0183.

with the commission of alleged offence. In fact police took drum of Lahan from the house which is not ownership of the applicant/accused. Neither the applicant/accused has been apprehended nor any recovery has been effected from him. It is further submitted that no such case was earlier registered against the applicant/accused. Applicant/ accused is ready to join investigation and to abide by all the terms and conditions to be imposed by this Court and undertakes not to abscond or tamper with the prosecution evidence.

On the other hand the ld. Additional PP for the State, has contested the instant bail application by advancing arguments. He submitted that the case is at initial stage and in case applicant/accused is given the benefit of pre-arrest bail, it may hamper the investigation.

I have heard the Ld.Counsel for applicant/accused and Ld. Additional PP for the State and have gone through the entire case record.

Briefly stated the facts of the case are that on 31.01.2021 ASI Jaswinder Singh along with other police officials was going towards villages Mushakved, Villa Kothi etc. on private vehicles in connection with checking of bad elements and when police party reached near Gurudwara Sahib ahead of village Mushakved, then secret information was received that **Sukhwinder Singh** son of Balwinder Singh was indulged in the sale of illicit liquor which was kept by him in the bathroom of his house and if raid be conducted, he could be apprehended along with heavy quantity of illicit liquor. While conducting the raid at the disclosed place, one plastic cane was

recovered containing illicit liquor out of which sample of 180 Mls was taken and remaining illicit liquor in the cane on measuring came to **39** bottles of 750 ml each and one bottle of 570 ml.

Since the recovery has already been effected, no case of custodial interrogation of applicant/accused is made out. The applicant/accused is ready to join the investigation. It is not disputed by Id.APP that previously no such case was registered against the applicant/accused. There is no chance that applicant/accused will tamper with the prosecution evidence or threaten the witnesses, if released on bail. Thus, the benefit of interim bail is granted to the applicant/accused in the present case. Therefore, in the event of arrest of applicant/accused in the case in hand, he will be released on interim bail to the satisfaction of Arresting Officer/ Investigating Officer. The applicant/accused will comply with the provisions of Section 438(2) Cr.P.C. and he will join the investigation pertaining to the case in hand within **10 days** from today. Anything said in this bail application shall not effect the merit of the case.

Now to come up on 08.03.2021 awaiting report regarding joining of investigation by the applicant-accused and consideration on bail application. Police record be returned and the same be again produced on the date fixed.

Pronounced in open Court.
Dated:24.02.2021.

(Jhion)

Sd/-
(Raman Kumar),
Addl.Sessions Judge,
Kapurthala.UID PB0183.