

Present: Sh.S.S.Bassi, Advocate, Counsel for bail-applicant.

Sh. Husan Bansal, Addl. Public Prosecutor for State.

1. The bail application put up before me as Duty Officer.
2. **Record** produced and perused.
3. The bail applicant has sought concession of bail by contesting the bail application on the following points :

1. That the bail-applicant has been falsely booked in present FIR case.
2. That false recovery has been implanted upon the bail-applicant by the police of City Sunam.
3. That the bail-applicant is not required for the purpose of investigations.
4. That the bail-applicant is ready to join investigations as and when required.

4. On the other hand, the Id. Additional Public Prosecutor for state has opposed the bail application filed on behalf of bail-applicant on the following points :

1. That the bail-applicant has been nominated in the present FIR case on the account of recovery of 4 cartons of liquor.
2. It is not the case of false recovery. There is no

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reason for booking the bail-applicant in present FIR case, as the police party has not to settle any score with the bail-applicant.

3. The custody of bail-applicant is required for the purpose of investigations.

5. After giving thoughtful consideration to the rival contentions raised by respective counsels for the parties, observing that although, the police record has not been received from concerned police station, as the ld. Additional Public Prosecutor for state stated that police force is deputed in order to maintain law and order situation in the area, on account of visit of Sh. Rahul Gandhi, yet, observing that the bail application is hanging fire since long on account of non receipt of police record and observing that copy of FIR is on the file, from which, it emerges out to surface that the police party has swung into action on 19.09.2020 following a secret information against the bail-applicant that he indulge into sale of liquor after transporting the same from the neighbouring states.

6. No doubt, the bail-applicant is nominated following secret information, yet, observing that the bail-applicant was not arrested from spot and there is no police record except the information provided by ld. Counsel for bail-applicant that 4

cartons of liquor had been recovered at the most, therefore, observing that recovery had already been effected. In this regard, I have sought guidance from judicial pronouncement ***Sameer and another Vs State of Pb. Crl Misc No. M-3796-2015,*** and ***Rajan alias Laddi alias Rajan Kumar versus State of Pb. CRM-M 15732-2015,*** whereby, the bail applicant was granted anticipatory bail, on the basis of the fact that the bail applicant was not apprehended at the spot with the liquor. The recovery effected in ***Rajan alias Laddi (supra)*** was 100 bottles.

7. Therefore, the recovery had already been effected and custodial interrogation of bail-applicant not required for any purpose, as such, I deem this case fit, where the **bail applicant** is **entitled to anticipatory bail subject to the directions to bail-applicant to appear before Investigating Officer / Arresting Officer, within 15 days from today**, so, as to facilitate investigations and in the event of doing so, he be released on bail on following conditions as envisaged under Section 438 (2) Cr.P.C :

i) **That the petitioner / petitioners shall make himself available for interrogation before the investigating officer as and when required.**

(ii) **That the petitioner / petitioners shall not directly**

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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.

(iii) that the petitioner / petitioners shall not leave the country without prior permission of the Court and shall surrender his / her passport, if any,

failing which, order will cease to have effect. Accordingly, present anticipatory bail application filed on behalf of bail-applicant stands **allowed**.

8. The observation made by the under-signed in the order, will have no bearing on the merits of the case.

The bail papers are ordered to be consigned to record room.

Announced in open court
Dt. 05.10.2020.

Jaswinder Sheemar
Addl. Sessions Judge / Duty Officer,
Sangrur, (UID No.PB0093)

Veena Saluja,
Stenographer-I

Certified that the order has been directly dictated by the undersigned.

Dt. 05.10.2020.

Jaswinder Sheemar
Addl. Sessions Judge / Duty Officer,
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