

In the Court of Sardar Harjeet Singh,
Additional Sessions Judge, Amritsar.

(Unique Identification No. PB0131)

Case Type	BA	
Filing No.	BA/5365/2021	Date: 01.06.2021
CNR No.	PBAS010070112021	
CIS Number	BA/3008/2020	
Date of Order	07.07.2021	

State of Punjab.

Versus

Rajiv Kumar alias Jeevan Kumar son of Satpal, resident of village Mahilawala, Tehsil Ajnala, Distt. Amritsar.

.....Applicant/accused.

FIR No. 59/2020
Under Sections 61 of Excise Act
Police Station: Jhander.

Bail Application under Section 438 of Cr.P.C.

Present: Shri Ranjit Singh, Counsel for the applicant-accused.
Shri N.K. Gupta, Addl. PP for the State.

ORDER

Vide this order, I intend to dispose of bail application under Section 438 Cr.P.C. filed by applicant-accused Rajiv Kumar alias Jeevan Kumar in the FIR mentioned above.

Police record was summoned and received.

Learned Counsel for the applicant-accused argued that applicant-accused has not committed any offence and has been falsely implicated in this case. Applicant-accused has already joined the investigation. His custodial interrogation is not required. Nothing is to be

recovered from him and prayed that applicant-accused be admitted to bail.

On the other hand, learned Addl. PP for the State argued that FIR was registered on true facts and it is not a fit case, where concession of anticipatory bail can be granted to accused and prayed that bail application be dismissed.

I have considered the submissions of learned Counsel for the applicant-accused and learned Addl. PP for the State.

The FIR was registered on the basis of secret information that Rajiv Kumar alias Jeewan Kumar son of Satpal used to distill illicit liquor and if raid is conducted, same can be recovered. On this, ruqa was sent to the police station and case was registered. Thereafter, raid was conducted. Accused slipped away from the spot and 55 bottles of illicit liquor were recovered.

Vide order dated 01.07.2021 passed by this Court, applicant-accused was granted interim bail with a direction to join investigating with Arresting/Investigating Officer. Today, ASI Sukhwant Singh appeared and made statement that applicant-accused has joined the investigation and his custodial interrogation is not required. Recovery has already been effected.

The alleged recovery has already been effected. So, in view of the statement of ASI Sukhwant Singh recorded in the Court, since applicant-accused has joined the investigation and his custodial interrogation is not

required and culpability of applicant-accused shall be gauged during the course of trial, so, without much commenting upon merits of the case, order dated 01.07.2021 granting interim bail to applicant-accused, is made absolute and bail application is allowed, subject to adherence of following conditions specified in Section 438(2) of Cr.P.C. by the applicant-accused:-

1. That applicant-accused shall make himself available for interrogation by the police officer, as and when required;
2. That applicant-accused 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 forcibly from disclosing such facts to the Court or to any police officer;
3. That applicant-accused shall not leave India without prior permission of the Court.
4. In addition to the above referred directions, in view of the outbreak of Corona Virus (COVID-19), the applicant is also directed to maintain social distancing and to obey the guidelines issued in this regard by the competent authorities during continuance of such outbreak.

Police record be returned forthwith. File be consigned to the record room.

Dated: 07.07.2021

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(Harjeet Singh),
Additional Sessions Judge,
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