

CNR No. PBSG010080952023

BA -3016-2023

Sukhwinder Singh Vs. State of Punjab

Application under Section 438 Criminal Procedure Code
for grant of Anticipatory Bail.

FIR No. 107 Dated 18.08.2023.
U/s 61 of the Punjab Excise Act, 1914.
Police Station: Sadar Sangrur.

Present:- Mr. Saurav Garg, Advocate for applicant.
Mr. Husan Bansal, Additional PP for the State.

ORDER :

Present application for seeking bail under Section 438 Criminal Procedure Code has been filed by accused-applicant in the aforesaid case.

2. In pursuance of notice, learned Additional PP for the State appeared and produced the record.

3. Heard learned counsel for applicant, learned Additional PP for the State and also perused the record.

4. Learned counsel for the applicant has argued that he has been falsely implicated in the present case. He has not committed any offence. Nothing has been recovered from his possession. The police officials are raiding his house to arrest him without any basis. He undertakes to appear before the Court on each and every date of hearing and is ready to join the investigation as and when so directed. So, he be released on bail.

5. On the contrary, while controverting his contentions, learned Additional PP for the State has vehemently argued that as allegations

(Saru Mehta Kaushik)
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against the applicant are grave in nature, he does not deserve the leniency of the Court in grant of relief of anticipatory bail.

6. As is revealed from the record, on 18.08.2023, ASI Kulwant Singh along with other police officials was present at bus stand, Ghabdan on Sangrur-Patiala main road in connection with patrolling and checking of suspected persons and vehicles where Excise Inspector Manoj Kumar along with Excise police officials met and they were talking there. Then ASI Kulwant Singh received secret information that Gurjant Singh alias Janta and Sukhwinder Singh alias Sukhi (applicant) are habitual for supplying country made liquor in the area of Sangrur after purchasing the same from Chandigarh at low price transporting the same on i20 car bearing registration no. DL 7CL 8440. Both of them had come by the above said car from Chandigarh but their car was standing 100 yards ahead from the main road in the area of village Ghabdan as it had got puncture in a tyre and both of them had gone to arrange for a mechanic. If raid be conducted, country made liquor could be recovered from the above said car.

Thereafter, raid was conducted. On checking of the car, 40 boxes containing 12/12 bottles each i.e. 480 bottles country made saunf rus liquor were recovered.

7. Recovery has already been effected. Nothing is to be recovered from the applicant. His custodial interrogation is not required. No useful purpose is to be served by sending the applicant behind the

bars. So far the averments of FIR are concerned, those are matters to be appreciated only after taking evidence during trial as prosecution would establish connection of recovered liquor and ownership of car at the time of prosecution evidence. Without commenting much on the merits of the case, this Court finds that it is a fit case where the bail applicant should be released on interim bail. Accordingly, he is directed to join the investigation on **02.09.2023** and in the event of his arrest, he shall be released on **interim bail** to the satisfaction of the Investigating Officer/ Arresting Officer till the next date of hearing with the following conditions:

- (i) The applicant shall make himself available as and when required by the investigating agency for interrogation.
- (ii). The applicant shall not induce/threaten any of the prosecution witness or tamper the evidence of the prosecution in any manner.
- (iii). The applicant shall not leave the country without prior permission of the court.

Compliance report be awaited for **05.09.2023**.

Announced in open Court.

Dated: 29.08.2023.

(Saru Mehta Kaushik)
Additional Sessions Judge,
Sangrur (UID-PB0442).

(Direct Dictated)

(Sapna)
Stenographer-I.

(Saru Mehta Kaushik)
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29.08.2023.