

Manga Singh Vs State of Punjab

CNR No: PBSG010093172019

CIS No: 3073/2019

Present: Shri Rajinder Sharma, Advocate counsel for applicant/accused
Shri R.S.Kauldhar, Additional Public Prosecutor for State.

ORDER:

1. Arguments on bail application filed by applicant/accused Manga Singh under Section 438 Cr.PC, for releasing him on bail in this case bearing FIR No. 168 dated 17.09.2019, under Sections 61/1/14 Excise Act, Police Station Sadar Sangrur, heard. Police Record produced and perused.

2. Learned counsel for the applicant/accused has argued that applicant/accused has been falsely implicated in this case. Applicant/accused has not committed any offence. No alleged recovery has been effected from the possession of applicant/accused. Nothing is required to be recovered from his possession. Applicant/accused is ready to join the investigation. Therefore, he may kindly be released on anticipatory bail.

3. On the other hand learned Additional Public Prosecutor has vehemently argued that 40 bottles of Indian Made Foreign Liquor labelled as First Choice for sale in Haryana only were recovered from the plastic bag on 17.09.2019, when the police party of ASI Ajaib Singh

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conducted the raid in the street of the house of applicant/accused. The custodial interrogation of applicant/accused is required to trace-out the source from where the said liquor was brought as well as to conduct the investigation properly in this case. Hence, it is prayed that the pre-arrest bail application moved by applicant/accused may kindly be dismissed.

4. As per allegations of the prosecution, 40 bottles of Indian Made Foreign Liquor labelled as First choice for sale in Haryana only were recovered outside the house of applicant/accused on 17.09.2019 by the police party of ASI Ajaib Singh on receiving the secret information against him as applicant/accused on seeing the police party fled away while extracting the bottles from the plastic bag in the street outside his residential house. Though there was a secret information against applicant/accused also, but he was not captured on the basis of said secret information. Recovery of liquor has already been effected. Nothing is required to be recovered from the possession of applicant/accused. Hence, in such circumstances without going into the merits of the case, I am of the view that it is a fit case where concession of pre-arrest bail can be given to the applicant/accused and as such, applicant/accused is directed to join the investigation within 05 days from today and in case of his appearance before the investigating officer to join the investigation in this case, the investigating officer shall release him on interim bail on his satisfaction subject to the following conditions:-

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- a) applicant/accused shall make himself available for interrogation by a police officer as and when required;
- (b) 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/her from disclosing such facts to the Court or to any police officer;
- (c) applicant/accused shall not leave the country without prior permission of the Court.

5. A copy of this order be sent to the SHO, Police Station Sadar Sangrur. Police file be returned. Now to come up on 03.10.2019 for awaiting report of Investigating Officer regarding joining of investigation by the applicant/accused and arguments on bail application.

Announced:

Dated:-26.09.2019

(Sham Lal),
Additional Sessions Judge,
Sangrur
[UID Number : PB0123]