

**In the Court of Shri Manjinder Singh,
Additional Sessions Judge, Sangrur.
UID No. PB0064.**

PBSG010087392022



BA/3089/2022.

Presented on : 07-10-2022

Registered on : 07-10-2022

Decided on : 11-10-2022

Duration : 0 years, 0 months, 4 days

Gurjant Singh aged about 27 years son of Mukhtiar Singh resident of
Sundar Basti, Sangrur.

...Applicant/accused.

Versus

State

FIR No. 144 of 23.09.2022.

Under Section 61/1/14 Excise Act.

Police Station City-I Sangrur.

Application under Section 438 Cr.P.C.

Present: Shri Narinder Kaur, Advocate counsel for the applicant/
accused.
Shri R.S. Kauldhar, Additional Public Prosecutor for State.

ORDER:

1. This order will dispose off bail application filed by
applicant/accused under Section 438 Cr.PC, for releasing him on
anticipatory bail in this case bearing FIR No. 144 of 23.09.2022, under
Section 61/1/14 Punjab Excise Act, Police Station City-I Sangrur.

Manjinder Singh
Additional Sessions Judge,
Sangrur. 11.10.2022.

2. Upon notice, this application was contested by learned Addl.P.P for the State.

3. I have heard learned counsel for the accused/applicant, learned Addl.P.P. for the State and have gone through the file very carefully with their able assistance.

4. Learned counsel for the applicant/accused has argued that applicant/accused has been falsely implicated in this case. The applicant has not committed any offence at all. From the bare perusal of the contents of the FIR, no offence is made out against the applicant. The applicant is apprehending his arrest in the present case. Nothing was recovered from the possession of applicant/accused and as such, he is not required for any custodial interrogation. Applicant/accused is ready to join the investigation. Therefore, he may kindly be released on anticipatory bail.

5. On the other hand learned Additional Public Prosecutor contended that offence attributed to accused/applicant is very serious in nature and no leniency is required in such like matters. Moreover accused is habitual offender because three other FIRs under section 61 Excise Act were registered against him. Hence, prayed for dismissal of the bail application.

6. From perusal of the police file, this Court finds that as per the case of prosecution on 23.09.2022 HC Gurlal Singh alongwith other

police officials on a private vehicle for the purpose of patrolling and checking of vehicles in the area were present at Barnala crossing Sangrur. At 6:25 PM, he received secret information that Gurjant Singh son of Mukhtiar Singh resident of Sunder Basti Sangrur after purchasing liquor from outside District is selling the same in the said area at a higher rate. It was further informed that even on that day Gurjant Singh from his residential house, Sunder Basti Sangrur is selling liquor. If raid is conducted then large quantity of country made liquor can be recovered from his house. As the information was from reliable source, ruqa was sent to the police station and on its basis formal FIR was registered against the accused. Thereafter the house of the accused was raided by the police party and accused Gurjant Singh is previously known to the Head Constable and on seeing the police party, he ran away from the spot. From the search of house, 60 bottles of Country made liquor were recovered. Meaning thereby, huge quantity of liquor has been recovered in the present case. The offence attributed to accused/applicant is of very serious in nature. No leniency is required in such like matters. Moreover accused is habitual offender. Already three more FIRs i.e. FIR No. 03 dated 08.01.2017 under section 61 Excise Act, P.S. Longowal, FIR No. 41 dated 03.04.2021 under section 61 Excise Act, P.S. Sadar Sangrur and FIR No. 228 dated 10.08.2022 under section 61/1/14 Excise Act read with section 188 IPC P.S. Bhawanigarh are registered against

accused/applicant Gurjant Singh These facts are not disclosed by the learned defence counsel which clearly shows that the learned defence counsel has tried to conceal the material facts from the Court. Keeping in view the facts and circumstances of the case, accused is required for custodial interrogation to illicit the truth in the present case. In **Bal Krishan Fauzdar VS. State of Haryana 2018 (1) RCR Criminal 789.** it is held by Hon'ble High Court in para No. 8 that, "it is well settled that custodial interrogation is more elicitation oriented since a person, who is couched in comparative safety of pre-arrest bail would certainly not disclose all the facts within his knowledge which would be inculpatory for him. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely, which is not called for. The law laid down in this citation is fully applicable to the facts of the case in hand. As such, keeping in view the gravity of offence, I do not deem it fit case to grant concession of anticipatory bail to the accused/applicant and the anticipatory bail application filed by accused/applicant Gurjant Singh is hereby dismissed being devoid of any merits. File be consigned to the record room. Police record be returned immediately.

Pronounced

Dated:-11.10.2022

shama, Stenographer Gr.-I

(Manjinder Singh),
Additional Sessions Judge,
Sangrur. UIID No. PB0064

Manjinder Singh
Additional Sessions Judge,
Sangrur. 11.10.2022.