

In the Court of Shri Amit Thind, Judge Special Court, Bathinda.
UID No.PB0189

* * * *

CNR No. PBBT01- 000047-2019

CIS NO. BA-28-2019

Decided on: 26.02.2019

State of Punjab

versus

Amandeep Singh @ Mani Singh @ Parbjot Singh @ Parbhjeet Singh s/o
Sh. Bhola Singh @ Ram Singh, resident of village Badlala, Police Station
Balianwalai, Tehsil Phul, District Bathinda.

.....Accused/Applicant

Bail application u/s 438 Cr.P.C.

F.I.R.No. 366 dated 18.12.2018
u/s 473 of IPC and
u/s 61/1/14/78 of Punjab Excise Act, 1914,
PS Talwandi Sabo, District Bathinda.

Present:- Shri SKS Mann, Advocate, Counsel for accused-
applicant.
Addl. P.P. for State.

ORDER:

The instant Bail application for grant of anticipatory bail
under Section 438 of CR.P.C., has been filed by the aforesaid applicant,
who has been named as accused in above referred FIR.

2. Factual matrix of the criminal case is that the present FIR
was registered on the basis of secret information received by police that
the accused-applicant along with his co-accused smuggled Haryana made
liquor in their car and sold the same in Bathinda. Hence the present FIR.

3. Notice of the bail application was given to the State of
Punjab and as such, the police file has also been requisitioned.

4. I have heard Mr. SKS Mann, Ld. Counsel for the applicant/accused, Ld. APP for the State and have also perused the case file, along with police file.

5. Mr. SKS Mann Ld. Counsel for the applicant/accused has contended that the applicant/accused has been falsely implicated in this case. Nothing has been recovered from him. Still, he is ready to join the investigation and as such, he be extended the concession of anticipatory bail.

6. Per contra, Ld. APP for the State has opposed the bail application on the ground that accused has committed serious and grave offence.

7. The criminal investigating machinery was set into motion when the police was petrolling in connection with panchayat elections and reached near village Nathea and a saw a silver Honda City car approaching them when suddenly the driver of the said car on seeing the police tried to turn the car on the left side of kaccha path but the car got stuck and the person sitting on the co-passanger seat in the front ran away. Due to suspicion the said car No. PB-03-AA-2511 was stopped and driver asked about his name etc. and also regarding the person who had ran away from the spot i.e., allegedly Amandeep Singh @ Mani Singh. On search of the car driven by Beant Singh the police found 17 boxes of Haryana made liquor the number of the car was found to be assigned to a tractor by the relevant authorities.

It is admitted by the IO present in Court that Beant Singh from whom the recovery has been made has been granted regular bail. The allegations against Prabhjeet Singh are that the car belonged to him.

It is admitted case that the person who was driving the car has been granted regular bail whereas the co-passenger i.e., the present applicant even if held to be the owner of the car cannot be hold responsible if someone else by putting the number plate of registration number assigned to tractor. The liability was using the car at this stage cannot be fixed upon the present applicant. In such like premise, when nothing has been recovered from the applicant-accused, it will be in the fitness of things to direct the applicant-accused to join the investigation with the police of Talwandi Sabo on 08.03.2019 between 10.00 am to 4.00 pm, and I order accordingly, albeit, after extending him concession of interim anticipatory bail, on furnishing bail bonds in the sum of Rs. 50000/- with one surety of like amount, in the event of his arrest, to the satisfaction of the investigation/arresting officer. The applicant is directed to abide by the conditions as enshrined under Section 438(2) if Cr.P.C. Copy of this order be sent to the quarters concerned. For out come of investigation, to come up on 02.04.2019..

Pronounced in open Court
26.02.2019

AmitThind,
Additional Sessions Judge,
Bathinda.
UID No. PB0189