

IN THE COURT OF SH. K.K. SINGLA,
ADDL. SESSIONS JUDGE, GURDASPUR

CIS BA No. 2788 of 2020

CNR NO. PBGD01-005540 of 2020

Date of decision :31.08.2020

Sukhwinder Singh alias Ghona son of Sadhu Singh, resident of Village
Dehriwal Kiran, P.S. Kalanaur, Tehsil and District Gurdaspur.

.....Accused/applicant.

Versus

State of Punjab

..Respondent

FIR No. 160 dated 23.08.2020,

Under Section 61-1-14 of Pb.Excise Act,1914,

Police Station Kalanaur.

First petition u/s 438 Cr.P.C.

Present : Sh. Gurbachan Singh, Advocate counsel for
applicant/accused.

Sh. Kiran Kumar, Ld. Addl. PP for the State.

- heard through Video Conference.

ORDER

1. File put up before me in view of order dated 30.3.2020 bearing NO.2/SPL/RG/Misc. of Hon'ble Punjab and Haryana High Court and order of ld. District and Sessions Judge, Gurdaspur, bearing Endst. No.7142-7150/P2C dated 30.3.2020 and order ld. District and Session Judge Gurdaspur issued through Endst. NO. 8224/27/P2C dated 29.05.2020 and

in view of order of Ld. District and Session Judge Gurdaspur issued vide Endst. No. 12795-12800/P2C dated 29.08.2020. This file has been received by entrustment also.

2. Present bail application has already been registered.
3. This order of mine shall dispose off anticipatory bail application under Section 438 Cr. P.C moved by accused/applicant Sukhwinder Singh alias Ghona, in FIR No. 160 dated 23.08.2020, Under Section 61-1-14 of Pb. Excise Act, 1914 and Police Station Kalnaur.
4. Allegations as per prosecution are that on 23.08.2020 ASI Mohan Singh alongwith other members of police party was going towards Villages Dehriwal Kiran etc., in connection with patrolling and checking of suspicious persons and when the police party reached outside the Village Dehriwal Kiran, a secret information was received with regard to that accused is habitual of distilling and selling illicit liquor in his house. Accordingly, raid was conducted. Accused was successful in slipping away and 120 Kgs of lagan was recovered from the house of applicant/accused.
5. Upon notice, Sh. Kiran Kumar, Ld. Addl. PP put his appearance on behalf of the State.
6. I have heard Sh. Gurbachan Singh, Adv. counsel for accused/applicant through video conferencing and Sh. Kiran Kumar, Ld. Addl. PP for the State for the State through video conferencing.

7. Contention of Sh. Gurbachan Singh, Adv. counsel for accused/applicant through video conferencing is that accused-applicant has been falsely implicated in the present case. No recovery was effected as alleged. Accused was not apprehended at the spot. Nothing is to be recovered from the accused-applicant. It has been argued that identity of accused is also in dispute. Accused-applicant is ready to join investigation and to fully co-operate with the investigating agency. So, prayer has been made that anticipatory bail application be allowed.
8. On the other hand, this contention has been refuted by Sh. Kiran Kumar, Addl. PP for the State. His argument is that accused is a habitual offender. Since one case bearing FIR No. 81 of 27.05.2020, under the Excise Act stand already registered against the applicant/accused, and same stand pending for investigation. Secret information was by name. He further argued that in these days, the illicit liquor is being prepared by dangerous means and poisonous liquor is being prepared and sold which is resulting into death of number of innocent consumers. Allegations against the accused is very serious. Custodial interrogation of accused is required. So, prayer has been made that application be dismissed.
9. Submissions have been considered and file has been minutely scrutinized by me.

10. Recovery of heavy quantity of Lahan not from any other place but from the house of the accused. It is appropriate to mention that now-a-days number of people in order to earn easy money have involved in an illegal profession of preparing spurious liquor and are selling the same to innocent people. It has been noticed that number of people died by consuming spurious liquor supplied to them because of the reason that liquor was prepared through dangerous means by using dangerous chemical. Since one case bearing FIR No. 81 of 27.05.2020, under the Excise Act stand already registered against the applicant/accused, and same stand pending for investigation. Secret information to investigating officer was by name. Recovery from the possession of accused is very heavy i.e. of 120 Kgs of Lahan. Such heavy recovery cannot be planted by the police officials without any recordable motive. No enmity of police officials with accused has been alleged in the present case. Mere this fact that accused was not apprehended at the place of occurrence cannot be a ground for grant of anticipatory bail.

11. Thus, grant of anticipatory bail to applicant-accused in this case will amount to interference in the fair and effective investigation by police.

12. In the given circumstances, custodial interrogation of accused is very necessary.

13. No case for anticipatory bail is made out. Hence,
application for anticipatory bail stands dismissed.

14. Papers are ordered to be consigned to Record Room.

Pronounced
Dated:-31.08.2020

(K.K.Singla)
Addl. Sessions Judge,
Gurdaspur
UID No. PB 0197

Sanjeev Kumar, Stenographer-I

Present : Sh. Gurbachan Singh, Advocate counsel for
applicant/accused.
Sh. Kiran Kumar, Ld. Addl. PP for the State.
- heard through Video Conference.

Statement of ASI Harminder Singh has been recorded today.

Arguments heard. Vide my separate detailed order announced
today, the present bail application has been dismissed.

Record of the case be returned and file of bail application be
consigned to the Record Room.

Pronounced
Dated:-31.08.2020

(K.K.Singla)
Addl. Sessions Judge,
Gurdaspur
UID No. PB 0197

Sanjeev Kumar,
Stenographer-I