

CNR NO. PBSG01-008213-2021

BA-2783-2021

Gurpreet Singh @ Mokha etc. Versus State of Punjab.

FIR No.152 dated 03.08.2021.
Case u/s 61/78/1/14 of Excise Act.
Police Station: Bhawanigarh.

Application for bail u/s 438 Criminal Procedure Code.

Present: Mr. S. S. Grewal, Advocate, counsel for applicants Gurpreet Singh @ Mokha and Manpreet Singh @ Dala.
Mr. Mahesh Goyal, Additional Public Prosecutor for State.

ORDER:

This is an application for seeking bail under Section 438 Criminal Procedure Code filed by accused-applicants in the aforesaid case.

2. In pursuance of notice, the learned Additional PP for the State made appearance and produced the record.
3. Heard the learned Counsel for applicants, Additional PP for the State and also perused the record.
4. Learned Counsel for the applicants has argued that due to party faction, the whole family of applicants has been falsely implicated in the present case. They have not committed any offence. Nothing has been recovered from their possession. But, the police officials are raiding their house to arrest them without any basis. They undertake to appear before the Court on each and every date of hearing and are ready to join

the investigation as and when so directed. So, they be released on pre-arrest bail.

5. On the contrary, while controverting his contentions, the learned Additional PP for the State has vehemently argued that 2-3 more cases under the Excise Act have been registered against the applicants. As allegations against the applicants are grave in nature, they do not deserve the leniency of the Court in grant of relief of anticipatory bail.

6. As is revealed from the record, 03.08.2021, a tip off was received to the police regarding the indulgence of Gurpreet Singh @ Mokha, Manpreet Singh @ Dala (present applicants), Harprit Singh @ Chhota and their father Baldev Singh in sale of Haryana made liquor having brought the same from Haryana in their Alto car in an illegal manner. If an immediate raid was conducted at their house, country made liquor in heavy quantity could be recovered. Thereafter, raid was conducted at their house. Baldev Singh was nabbed from the spot, while Gurpreet Singh @ Mokha and Manpreet Singh @ Dala fled from the spot in Alto car. Harprit Singh @ Chhota also managed to flee from the spot. On the basis of disclosure statement of Baldev Singh, 84 bottles of country made liquor make 'Sofi Haryana' were got recovered by him.

7. The applicants are alleged to be involved in bootlegging activities and run away from the spot in the Alto car, which is yet to be recovered. The recovery of 84 bottles of Haryana made liquor has been

effected in this case from the house of applicants. As contended by the learned Additional PP for the State, they are already involved in 2-3 more cases under the Excise Act, meaning thereby that they are habitual offenders. Their custodial interrogation is required to find the genesis of crime and unravel the truth. So far the contentions of the learned counsel for applicant, is concerned, those are matters to be appreciated only after taking evidence during trial. The investigation is pending and challan is yet to be presented. At this stage, it is too early to jump to any conclusion for the purpose of pre-arrest bail. Without further delving into the merits of the case and in view of the serious allegations, at this stage, no exceptional circumstances are made out to attract the provision of Section 438 Cr.P.C. for granting pre-arrest bail to the present applicants. Consequently, the bail application is **dismissed**.

Police record be returned. Bail papers be consigned to the Record Room, Sangrur.

Announced in open Court.

Dated: 23.08.2021.

Rajiv Kumar, JW.

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

Certified that the order has been directly dictated by the undersigned.

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