

**IN THE COURT OF JASWINDER SINGH,
ADDITIONAL SESSIONS JUDGE, GURDASPUR(DUTY)**

**Bail Appl. No. 568/05.08.2020
CIS No.BA/2421/2020
CNR No. PBGD01-004921-2020
Date of Decision: 10/08/2020**

Sarabjit son of Mukhtar Chand, resident of village Nurowali, Pakhariwal,
Tehsil and District Gurdaspur.

.....Petitioner/ Accused.

Versus

State of Punjab.

.....Respondent.

FIR No.62 Dated 17/05/2020
U/S 61 of Punjab Excise Act,
Police Station Kalanaur.

**1st application for bail under Section 438 Cr.P.C. for
granting Anticipatory Bail.**

Present: Sh. Narinder Kumar, Advocate, counsel for
petitioner(Through video conference).
Sh. Vikram Kashyap, Addl. P.P for State(Through video
conference).

ORDER

1. Bail application 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 orders of learned District & Sessions Judge, Gurdaspur, bearing endorsement No.11582-87/P2C dated 10/08/2020.
2. Upon notice, learned Additional P. P. put in appearance

on behalf of respondent-State and contested the bail application. Police record was also requisitioned.

3. As per allegations contained in FIR, on 17/05/2020, police party headed by ASI Sarwan Singh was going towards village Maur, Bhikhariwal, Nurowali etc. in connection with routine patrolling and search of bad elements. When the police party reached at village Nurowali, a secret information was received that Sarabjit alias Sabba son of Mukhtiar Chand, resident of village Nurowali is habitual of distilling and selling illicit liquor. If a raid is conducted at his house, recovery of illicit liquor or lahan can be effected. Thereafter, raid was conducted at the disclosed place and a person was seen stirring his hand in an iron drum. On noticing the police party, he ran away from the spot from backside of the house. Said person was Sarabjit Singh alias Sabba, who was earlier known to ASI Sarwan Singh. On checking, the iron drum was found containing 100 Kgs lahan.

4. I have heard the arguments of learned counsel for petitioner as well as of learned Additional Public Prosecutor and perused the record.

5. It is submitted by the learned counsel for the petitioner that petitioner has been falsely implicated in the present FIR. The alleged recovery has been planted upon the petitioner. Petitioner is ready to join the investigation and to cooperate in the same, so till the disposal of present bail application, he may be admitted to interim bail.

6. On the other hand, it is submitted by learned Addl. Public

Prosecutor that the petitioner is a habitual offender. Before the registration of present FIR, following FIRs have been already registered against the petitioner:

Sr. No.	FIR Number	Offence	Police Station	Decision
1.	73 of 13/09/2008	61 of Punjab Excise Act	Kalanaur	Conviction
2.	112 of 09/11/2018	61 of Punjab Excise Act	Kalanaur	Pending

Learned Addl.P.P. submitted that keeping in view the previous conduct of the petitioner, he is not entitled to the concession of pre-arrest, so the present bail application may be dismissed.

7. I have considered the rival contentions of learned counsel for petitioner as well as of learned Additional Public Prosecutor and perused the record.

8. As per the information provided by Investigating Officer, this is 3rd FIR against the petitioner under Punjab Excise Act and he has been convicted in one FIR by the concerned court. Keeping in view the previous criminal record of the petitioner as well as the allegations levelled in the present FIR, this court is of the considered opinion that it is not a fit case where the benefit of pre-arrest bail should be extended to the petitioner. Hence, present bail application is hereby dismissed. Police record be returned. Copy of this order be sent to the court of learned Illaqa Magistrate for attaching the same with remand papers/FIR. Record of present bail application be consigned to the record room.

Pronounced in open court.
Dt: 10/08/2020
Rajiv Sharma, Stenographer-I

(Jaswinder Singh)
Addl. Sessions Judge,
Gurdaspur.UID No.PB0516(Duty)

BA 2421 2020

Sarabjit Vs. State

Present: Sh. Narinder Kumar, Advocate, counsel for
petitioner(Through video conference).
Sh. Vikram Kashyap, Addl. P.P for State(Through video
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10/08/2020.

Police record perused. Arguments heard. Vide my separate
detailed order of even date, present bail application has been dismissed.
Police record be returned. Copy of this order be sent to the court of
learned Illaqa Magistrate for attaching the same with remand papers/FIR.
Record of present bail application be consigned to the record room.

Pronounced in open court.

Dt: 10/08/2020

Rajiv Sharma, Stenographer-I

(Jaswinder Singh)

Addl.Sessions Judge,

Gurdaspur.UID No.PB0516

(Duty)

