

**In the Court of Rajwinder Kaur,
Additional Sessions Judge, Kapurthala
(UID No.PB0121)**

CNR No. PBKP010005282022



Case No. BA/251/2022

Presented on : 15-02-2022
Registered on : 17-02-2022
Date of Order : 23-02-2022
Next Date : 02-03-2022

Ratan Kaur, aged about 37 years, wife of Major Singh, resident of H.No.161, Daulewala, Kot Ise Khan, Moga.

.....applicant/accused.

Versus

State of Punjab

....Respondent.

....Respondent

*FIR No.17 of 01.02.2022
Under Section 61/1/14 Excise Act
Police Station: Sultanpur Lodhi,
Distt. Kapurthala,*

Bail application under Section 438 Cr.P.C.

Present: **Sh.Sukhminder Singh**, Advocate, for applicant/
accused.
Shri Anil Kumar, Addl. PP for State.

ORDER

Ratan Kaur (applicant/ accused) wife of Major Singh
filed an application for bail under Section 438 Cr.P.C on the ground
that a totally false and frivolous case has been got registered against
him although he is innocent and has nothing to do with said offence.
Infact, FIR was got registered against one Kirtan Kaur daughter of

Rajwinder Kaur, Additional Sessions Judge, Kapurthala UID No.PB0121

Roorh Singh. Thus, neither she is named in the FIR nor anything was recovered from her. Now, Police officials of police station Sultanpur Lodhi, are conducting repeated raids to arrest her. Being law abiding citizen, she is ready to join investigation, if upon doing so, she be released on bail. (*Application is duly supported with affidavit*).

2. Notice of the application was given to learned Additional Public Prosecutor. No reply to the application has been filed but hotly contested the same.

3. I have heard ***Sh. Sukhminder Singh Advocate***, learned counsel for the applicant-accused and ***Shri Anil Kumar, Additional Public Prosecutor***, and have perused the record.

4. Criminal Law was set into motion on the basis of secret information that Kirtan Kaur daughter of Roorh Singh resident of Lattianwal, Police Station Sutlanpur Lodhi, District Kapurthala used to distill and sell the illicit liquor. If raid be conducted, he can be apprehended with heavy quantity of *lahan*. Believing the information credible, ruqa was sent and raid was conducted at the disclosed place, and recovery of 75 bottles of illicit liquor were recovered, whereas accused managed to fled away from the spot. Thus, instant case under section 61/1/14 Excise Act was got registered.

5. ***Sh. Sukhminder Singh***, Advocate learned counsel for the applicant/accused vehemently argued that neither there is direct nor indirect evidence to connect accused with commission of alleged crime

nor she is named in the FIR. Nothing was recovered from the accused. Thus, prayed for pre-arrest bail.

6. On the other hand, **Sh. Anil Kumar**, Addl.PP for the State refuted such arguments by submitting that she is Ratan Kaur (applicant/accused) who managed to fled away from the spot, and necessary rapat No.21 dated 16.02.2022 in this regard has already been recorded during investigation subsequently. Since heavy quantity of illicit liquor has been recovered, thus, opposed prayer.

7. I have given thoughtful consideration to the submissions put forth by counsel for both the parties as well as allegations and counter-allegations. Since the recovery of *Lahan* has already been effected. Presentation of challan and conclusion of trial is likely to take a long time, so no useful purpose will be served by sending applicant/accused behind the bars, especially when she is ready to join the investigation and to abide by all terms and condition, if any, to be imposed, hence, in order to facilitate the investigation ***Ratan Kaur (applicant-accused)*** is, hereby, allowed to join investigation with due co-operation ***within five days from today*** and upon doing so, she be released on ***interim anticipatory bail***, on furnishing bail bonds to the satisfaction of Arresting Officer/ SHO of concerned Police Station, subject to the compliance of the following conditions:-

1. That the applicant shall join the investigation as and when required by the police.
2. That the applicant shall not directly or indirectly, make any inducement, threat or promise to any person

acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any Police Officer.

3. That the applicant shall not leave India without prior permission of the court.

8. Copy of order be sent to quarters concerned for compliance. Police record be produced on ***2.3.2022***.

Pronounced in open Court.

Dated:-23.02.2022

(Nirlep Kaur)

(Rajwinder Kaur),

***Additional Sessions Judge,
Kapurthala.***

(UID No.PB0121)

(directly dictated on computer)