

Jatinderpal Singh vs State of Punjab

IN THE COURT OF DR. HARPREET KAUR,
ADDL. SESSIONS JUDGE, FATEHGARH SAHIB.

CNR no.PBFG0100-3899-2023
CIS No. 1103-2023
Date of order 05.10.2023

Jatinderpal Singh @ Tinku, aged about 45 years, son of Sh. Janak Raj, resident of House No.3737, Panchayati Gurudwara Wali Gali, Ward No.15, Sirhind, Tehsil and District Fatehgarh Sahib.

.....Applicant/accused.

Vs.

State of Punjab

.....Respondent.

FIR No. 132 dated 20.09.2023,
Under Sections: 61/1/14 of the Punjab Excise Act.
Police Station: Sirhind.

Bail application under Section 438 Cr.P.C.

Present: Sh. L.K. Kundrao, Adv counsel for accused-applicant.
Sh. Munish Kumar, Additional Public Prosecutor, for State

ORDER

1- This order shall dispose of bail application moved by above named applicants-accused under section 438 Criminal Procedure Code, in case FIR No.132 dated 20.09.2023, under section 61/1/14 of the Punjab Excise Act, registered at police station Sirhind.

2. Notice of the bail application was given to the State which has been contested on its behalf by Ld. Additional Public Prosecutor for

Dr. Harpreet kaur
ASJ-Fatehgarh Sahib
UID no.PB-0443

the State. Record from the concerned Police station produced.

3. I have heard Id. Counsel for both the parties and perused the record with their able assistance.

4. Brief fact of the case are that present case was registered on the basis of ruqa sent by ASI Shamsher Singh with the allegation that on 20.09.2023, he along-with Police party was in connection with routine patrolling was present at Old Bus Stand, GT Road, Sirhind, where he received secret information that Gurpreet Singh, Paramjit Singh @ Sonu (applicant-accused) was in the habit of selling illicit liquor at Sirhind and Fatehgarh Sahib to the migrant labourers and general public after purchasing the same at cheaper rate from Chandigarh. Number of other cases regarding selling of liquor has been registered against them in different police stations. On the said day also Gurpreet Singh @ Gopi is selling liquor to his customers at service Road Chawla Chowk, Sirhind. On the basis of said ruqa FIR No. 132 dated 20.09.2023, under Section 61-1-14 of Excise Act was registered against accused with Police Station Sirhind. Subsequently, a raid was conducted on the disclosed place and 24 bottles make Wazir Deluxe Whisky for sale in UT Chandigarh only were recovered from Gurpreet Singh @ Gopi. Hence, this application for anticipatory bail.

5. Id. Counsel for the applicant/accused submitted that the applicant/accused is an innocent person who has been falsely implicated in the present case. No recovery has been effected from the possession of the accused. Applicant/accused is ready to abide by all the terms and

conditions which may be imposed by this court while enlarging the applicant on bail.

6. On the other hand, Ld. Addl. P.P. for the State argued that applicant is guilty of a heinous crime. He is in the habit of selling illicit liquor illegally. Thereby he prayed for dismissal of bail application.

7. The present FIR has been registered against the applicant-accused and other co-accused on the basis of secret information that they are in the habit of selling liquor in the area of Sirhind and Fatehgarh Sahib, after purchasing the same from Chandigarh at Cheaper rates. Recovery of 24 bottles of liquor has been effected from co-accused Gurpreet Singh @ Gopi. The applicant-accused was neither present on the spot nor any recovery has been effected from him. Nor co-accused Gurpreet Singh @ Gopi had made any disclosure statement qua the involvement of the applicant-accused in the recovery of 24 bottles of liquor effected from him. As such no useful purpose would be served by taking the applicant in custody. In view of these circumstances, it would be appropriate, if applicant/accused is directed to join investigation and cooperate with the IO to enable him to further investigate into the matter. Accordingly, the application in hand is allowed and applicant/accused is directed to join investigation within ten days from the date of order and cooperate with the IO. In the event of arrest of applicant/accused, he is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of IO/Arresting Officer, subject to conditions laid down under Section 438(2) Cr.P.C.

8. In the event of non compliance of the directions issued vide this

order, the order shall cease to have effect and investigating officer may proceed as per law. The above observations made by this Court while deciding this bail application is only for the limited purpose of adjudication of the present bail application and as such, are not to be construed as an expression on the merits of the criminal case. Ahlmad is directed to send the copy of the order to the concerned SHO, for compliance. Reader is directed to return the record forthwith. The bail application be attached with the pending file, if any, otherwise consigned to record room, Fatehgarh Sahib, after due compliance.

**Announced:
05.10.2023
(Directly dictated)**

**(Dr. Harpreet Kaur),
Addl.Sessions Judge,
Fatehgarh Sahib.
UID No. PB0443**

Karamjit Kaur Stg. II

*Dr. Harpreet Kaur
ASJ, Fatehgarh Sahib.
UID no.PB-0443*