

**IN THE COURT OF JASWINDER SHEEMAR, ADDITIONAL
SESSIONS JUDGE, SANGRUR.**

UID-PB0093

Bail Application No.1026/2020.

Date of Institution : 21.03.2020.

CNR No.PBSG01-002885-2020.

Date of Order: 01.04.2020.

Yadwinder Sharma @ Happy Sharma aged about 32 years son of Jagdish
Sharma @ Jagdish Chand r/o Bathinda Road, Gujha Peer Basti, Sunam,
District Sangrur.

-----Bail applicant.

Versus

State of Punjab.

FIR No.22 dated 18.03.2020.

U/s 61/78/1/14 Punjab Excise Act.

P.S. Chhajli.

Application u/s 438 Cr.P.C for grant of anticipatory bail.

Present: Sh. H.S.Chahar, Advocate, counsel for bail-
applicant.

Sh. Mahesh Goyal, Additional Public Prosecutor for
State

ORDER :

1. This is first **anticipatory** bail application filed on behalf of
Yadwinder Sharma @ Happy Sharma (**bail-applicant**) in the above noted
FIR.

2. **Notice** of the bail application was issued to the State through

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learned Additional Public Prosecutor for the State, who contested the bail application.

3. The **police record** not received.

4. I have **heard** the learned counsel for bail-applicant, learned Additional Public Prosecutor for the State and gone through the record carefully and minutely with their kind assistance.

5. From copy of FIR, attached with the bail application, it is observed that **FIR bearing no.22 dated 18.03.2020**, in this case, resulted at the instance of ASI Gurmeet Singh, **U/s 61/78/1/14 of Punjab Excise Act** against Happy Sharma (co-accused) and one unknown person. The allegations are that on 18.03.2020, when the police party, while on patrol duty in order to search for miscreants, were present in the area of Chhajla Neelowal road, an informer gave tip off that Happy Sharma (co-accused) along-with one clean shaven person indulge into sale of liquor at higher rate in Punjab, by bringing it at cheaper rate from Haryana, and even on that day, they will proceed to Sunam, via village Neelowal, in a car bearing no.DL-3CAN-0182 of silver colour and, if, raid be conducted, they could be intercepted.

It comes out to surface that after finding secret information believable, a barricade was held by the police party and at about 10.15 P.M, one car bearing no.DLCAN-0182, silver colour car driven by a clean shaven person, on the front seat of which, one other clean shaven person was sitting on conductor seat, who on seeing the police party, tried to turn back the car,

however, during this process, the car stopped and duo alighted from car and managed to ran away by taking benefit of darkness. It emerges out to surface that on search of car, 20 cartons of liquor make 'Shehnai' for sale in Haryana, each carton containing 12/12 bottles each, **total 240 bottles** were recovered.

Since the police record has not been produced, therefore, it is not decipherable, as to in whose name, car bearing no. DL-3CAN-0182, where from recovery of 20 cartons of liquor was effected, was registered. Otherwise, it is evident from the FIR itself that the car was driven by one clean shaven and on its front seat, one another clean shaven person was sitting, therefore, as to how the accused been identified, is, yet, to be established on merits. Otherwise, recovery of 240 bottles had already been effected from the boot of car, and as to in whose name the same has been registered, is not clear. Furthermore, in prevailing circumstances **on account of Covid-19**, in view of instructions vide memo no.12/16/2020-2H7/708-712 dated 26.03.2020, **(implementation of directions issued by Hon'ble Supreme Court of India on 23.03.2020 in suo motto writ petition) (Civil) No.1/2020- In Rec. Contagion of Covid-19, de-congestion in the jails is to be avoided.** Therefore, in that event, **the bail-applicant is granted anticipatory bail on condition precedent** that he will surrender before the Investigating Officer **within 15 / 20 days from today i.e. 01.04.2020**, so, as to **facilitate investigations** and in event of doing so, he is ordered to be admitted to bail subject to compliance of following conditions as envisaged under Section 438 (2) Cr.P.C :

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i) That the petitioner shall make himself available for interrogation before the investigating officer as and when required.

(ii) That the petitioner 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.

(iii) that the petitioner shall not leave the country without prior permission of the Court and shall surrender his passport, if any,

failing which, order will cease to have effect. The bail papers are ordered to be consigned to record room.

The observation made by the under-signed in the order, will have no bearing on the merits of the case.

Announced in open court

Dt. 01.04.2020.

(Jaswinder Sheemar)
Additional Sessions Judge,
Sangrur (UID No.PB0093)

Veena Saluja,
Stenographer-I

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

Dt. 01.04.2020

(Jaswinder Sheemar)
Additional Sessions Judge,
Sangrur, UID-PB0093

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