

SHEELA VS STATE OF PUNJAB

**IN THE COURT OF SH. SHATIN GOYAL, ADDITIONAL
SESSIONS JUDGE, JALANDHAR (UID No. PB0157) (NRI Court)
(DUTY)**

CIS Case No : BA-1907 of 2020
CNR No : PBJL01-005222-2020
Date of Institution : 27.07.2020
Date of Order : 29.05.2020

Sheela aged 38 years wife of Sukhdev Singh, resident of village Billi
Chao, P.S. Sadar, Nakodar, Jalandhar.

...Applicant-accused

Versus

State of Punjab

....Respondent

**FIR No.84 dated 19.05.2020
under Section 61/1/14 of Excise Act.
P.S.Sadar, Nakodar.**

First Bail Application U/s 438 Cr.P.C.

Present: Sh.Sandeep Kumar Verma, Advocate counsel for accused-
applicant through Video Conferencing.
Sh.Maneet Duggal, Addl.PP for the State through Video
Conferencing.

ORDER:

1. Heard on the anticipatory bail application of applicant-accused Sheela.
2. Brief resume of the prosecution case is that a secret information is received that applicant-accused is indulging in distilling illicit liquor and also sell illicit liquor and in case she is raided, recovery can be made. Accordingly, police party raided at the spot and SI Manjit Singh recovered 50 kgs of Lahan at the spot.

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3. Applicant-accused however, claimed that she is being implicated just because of political reasons. She contested the election against ruling party. She do not have any criminal record or any other criminal case. Surprisingly, at the same time her relative Paramjit Singh is also being implicated in another case. It is not possible that for the same place, two I.Os shall make two recoveries independently. A prayer is made for grant of bail.

4. Learned Additional P.P however, opposed the bail application, claiming that in view of big recovery, detailed investigation is needed. A prayer is made for rejection of bail.

5. After considering the rival submissions, this court is of the opinion that this is a fit case where discretion of anticipatory bail should be exercised. Recovery is not very huge. Most importantly, at the same place another I.O at the same time recovered 250 kgs Lahan and working still from the relative of present accused. Prosecution failed to give the basis how both these transactions were bifurcated and how two different I.Os raided at the same time. Applicant-accused is a lady and is also alleging political vendetta. From the overall circumstances, this court is of the opinion that discretion of anticipatory bail needs to be exercised in favour of applicant-accused most particularly when for larger recovery, male member of the house Paramjit Singh has already been declined bail by this court. Accordingly, applicant-accused is directed to join investigation within 10 days from today and shall cooperate with the police. On such joining, Arresting Officer/Court shall release the applicant on interim bail and on such conditions as being fit in the

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circumstances. However, following conditions shall be observed by the applicant:-

- i. That 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 them from disclosing such facts to the court or to any police officers and;
- ii. Applicant shall appear before the police officer as and when called and shall co-operate. Further applicant shall make herself available for interrogation by a police officer as and when required.
- iii. That she will not leave the limits of this country without prior permission of the court.
- iv. Whenever there is change of address of the applicant, she shall be bound to give information to the police as well as to the court at his own.
- v. Applicant shall be bound to appear in the court and on each date of hearing, when investigation is concluded and for such date applicant is directed to appear in the court by the police officer/court.

6. Confirmation or non-confirmation of bail shall be subject to nature of cooperation and other surrounding circumstances. With these conditions, let joining in the investigation be made on the basis of interim anticipatory bail so granted. Compliance report be awaited for 10.06.2020.

7. Nothing observed, herein, shall have any bearing upon main merits.

8. Case is now adjourned to 10.06.2020 for further proceedings.

Pronounced in the open Court:
Dated:29.05.2020

*Vivek**

Shatin Goyal,
Additional Sessions Judge,
Jalandhar (UID No.PB0157)
(NRI COURT) (DUTY)