

IN THE COURT OF GIRISH, ADDITIONAL SESSIONS JUDGE,
SANGRUR.

UID NO. PB0180.

CNR No. PBSG01-000514-2022.

BA/CIS no. 191 of 20.01.2022.

Date of Order: 27.01.2022.

Harwinder Singh aged about 51 years son of Ranjeet Singh, resident of Noorpura Basti, Sangrur (now confined in District Jail, Sangrur).

....Applicant / Accused

Versus

State.

FIR no. 5 dated 11.01.2022.

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

P.S. : Dirba.

First application U/s 439 Cr.P.C for grant of regular bail.

Present: Sh. S.S.Mann Advocate, Counsel for applicant.
Sh. Navdeep Goyal, Additional Public Prosecutor for State.

ORDER :

1. This order of mine shall dispose off first **application for grant of regular bail under Section 439 Cr.P.C** filed on behalf of applicant in above noted FIR.

2. When notice of the bail application was given to learned Additional Public Prosecutor for State, he put his appearance. Record was produced.

Girish,
Addl. Sessions Judge,
Sangrur, UID-PB0180,
Dt. 27.01.2022.

3. It is observed that instant FIR resulted at the instance of ASI Krishan Singh against **Harwinder Singh, applicant** and Jagdish Singh, co-accused, on the allegations that on 11.01.2022, when police party, while on patrol duty in order to search for miscreants, were present within the area of grain market, Dirba, where at about 5.50 P.M, an informer gave tip off that **Harwinder Singh, applicant** and Jagdish Singh, co-accused, indulged into sale of liquor by bringing the same from Haryana by transporting the same in Scoda car bearing registration no. PB-13BJ-5777. Even on that day, they are proceeding towards Patran-Dirba, Sangrur with liquor and, if, raid is conducted at 'T' point Janal road, near electricity grid main road, Dirba, they could be intercepted with cache of liquor. The information being credible, ruqa was sent to the police station, on the basis of which, FIR was lodged. The barricades were held and applicant, who tried to flee away, along-with co-accused, was apprehended. On checking, 60 bottles of 'Club Malta' and 720 bottles of 'Jugni Saunfi', **total 780 bottles of country made liquor** were recovered, which were taken into possession vide separate recovery memo.

4. Learned counsel for applicant submitted that bail application under Section 437 Cr.P.C has been dismissed by ld. Trial Court vide order dated 18.01.2022. The applicant is innocent and has been falsely implicated in this case. He submitted that the applicant is no more required for further investigation and nothing is to be recovered from him. He submitted that presentation of challan and, thereafter, conclusion of trial will take sufficient time. Therefore, prayed to allow the bail application.

5. On the other hand, learned Additional Public Prosecutor for state has submitted that recovery of 780 bottles of country made liquor along-with Scoda car bearing registration no. PB-13BJ-5777 has been effected from applicant, who is in custody since 11.01.2022, along-with co-accused. Therefore, prayed to dismiss the bail application.

6. I have heard the respective submissions of learned counsel for the applicant, learned Additional Public Prosecutor for State and have perused the police record as well.

7. After hearing arguments, it is observed that recovery of **780 bottles of country made liquor** along-with Scoda car bearing registration no. PB-13BJ-5777, have been effected from applicant along-with co-accused on the basis of secret information. It comes out to surface that the applicant is in custody since 11.01.2022. Although, there is cache of recovery of liquor effected from the applicant, yet, observing that no useful purpose is going to be served by keeping the applicant in judicial custody, as the presentation of the challan and, thereafter, conclusion of trial is going to take indefinite period, therefore, for indefinite period, the applicant cannot be allowed to languish in jail.

8. On the basis of discussion made by me in preceding paragraph of the order, I deem this case fit, where the applicant is entitled to regular bail. The bail application filed on behalf of applicant is **allowed. The applicant is admitted to bail on his furnishing bail bonds and surety bonds in the sum**

of Rs.50,000/- with one surety in the like amount to the satisfaction of the Ld. Trial Court / Duty Magistrate. The copy of order be sent to the learned Trial Court.

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

Police record be returned. The file is ordered to be consigned to record room.

Pronounced in open Court.

Dt. 27.01.2022.

Girish,

Additional Sessions Judge,

Sangrur, UID No.PB-0180.

Veena Saluja

Stenographer Gr.I.

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

Girish,

Additional Sessions Judge,

Sangrur, UID No.PB-0180.

Dt. 27.01.2022.