

IN THE COURT OF SH. K.K.SINGLA,
ADDL. SESSIONS JUDGE, GURDASPUR

CIS BA No. 1907 of 2020
CNR NO. PBGD01-003828 of 2020
Date of decision :-4.7.2020

Joginder Singh aged about 70 Years son of Sarjit Singh, resident of Village Lale Nangal P.S. Fatehgarh Churian Tehsil Batala District Gurdaspur.

.....Accused/applicant.

Versus

State of Punjab

..Respondent

FIR No. 58 dated 15.6.2020
Under Section 61-1-14 of Excise Act,
Police Station Fatehgarh Churian.

First petition u/s 438 Cr.P.C.

Present : Sh. Rahul Puri Advocate counsel for
applicant/accused heard through Phone
Sh. Harmanjot Singh Ld. Addl. PP for the State

ORDER

1. File put up before me in view of order dated 30.3.2020 bearing NO.2/SPL/RG/Misc. of Hon'ble Punjab and Haryana High Court and order of Id. District and Sessions Judge, Gurdaspur, bearing Endst. No.7142-7150/P2C dated 30.3.2020 and order Id. District and Session Judge Gurdaspur issued through Endst. NO. 8224/27/P2C dated 29.05.2020. This file has been received by entrustment also and has been marked to this court by the office of Ld. District & Sessions Judge vide endst. no. 8417-20/J.7 dated 04.06.2020 and in view of order dated 3.7.2020 bearing Endst. No. 9489-94/P2C.
2. This is anticipatory bail application under Section 438 Cr. P.C moved by accused/applicant Joginder Singh for grant of

anticipatory bail in FIR No. 58 dated 15.6.2020 Under Section 61-1-14 of Excise Act, Police Station Fatehgarh Churian.

3. Allegations as per prosecution are that a secret information was received with regard to that accused is habitual of distilling illicit liquor. Accordingly, raid was conducted. Accused was successful in slipping away and 100 kgs of lahan was recovered from the house of applicant/accused.
4. Upon notice, Sh. Harmanjot Singh Addl. PP put his appearance on behalf of the State.
5. I have heard Sh. Rahul Puri Adv. counsel for accused/applicant and Sh. Harmanjot Singh Addl. PP for the State through video conferencing.
6. Arguments of Sh. Rahul Puri Adv. counsel for accused/applicant through Phone is that accused has been falsely implicated in the present case. He was not apprehended at the spot. Recovery has already been effected. Identity of accused is in dispute. There is no need for custodial interrogation of accused. Accused is ready to join investigation and to fully co-operate with the investigating agency. So, prayer has been made that anticipatory bail application be allowed.
7. On the other hand, this contention has been refuted by Sh. Harmanjot Singh Addl. PP for the State. His argument is that recovery was effected from the house of applicant/accused.. Secret information was by name. Accused was already known to the police party as one another FIR bearing No.49/20 under the Excise Act has already been registered against the applicant/accused and the same is stated to be pending in the court. Accused is established to be habitual offender. There was no motive with the police to implicate accused in a false case. Custodial interrogation of accused is required. So, prayer has been made that application be declined.

8. Submissions have been considered and file has been minutely scrutinized by me. In the present case, secret information was received by name. I.O already known to the accused as per FIR as one case bearing FIR No. 49/20 under the Excise Act has already been registered against the applicant/accused and the same is stated to be pending in the court. No enmity with the police officials has been alleged or established on file. Accused is established to be habitual offender. It is not possible to plant 180 kgs of lahan upon accused. In these circumstances, this court considers that mere this fact that accused was not apprehended at the spot cannot be sufficient ground to grant the benefit of anticipatory bail. In case, accused is granted the benefit of anticipatory bail, then every person will try to take benefit of anticipatory bail by slipping away from the place of occurrence by leaving the contraband unattended.
9. Facts and circumstances of the case are such that custodial interrogation of accused is required.
10. No case for anticipatory bail is made out. Hence, application for anticipatory bail stands declined.
11. Papers are ordered to be consigned to Record Room.

Pronounced
Dated:-4.7.2020

(K.K.Singla)
Addl. Sessions Judge,
Gurdaspur
UID No. PB 0197

Prem Kumar,
Stenographer-II

Present : Sh. Rahul Puri Advocate counsel for
applicant/accused heard through Phone
Sh. Harmanjot Singh Ld. Addl. PP for the State

ASI Varinder Singh come present and recored his separate
statement.

Arguments heard. Vide my separate detailed order
announced today, the present bail application has been dismissed.

Record of the case be returned and file of bail application
be consigned to the Record Room.

Pronounced
Dated:-4.7.2020

(K.K.Singla)
Addl. Sessions Judge,
Gurdaspur
UID No. PB 0197

Prem Kumar,
Stenographer-II