

In the Court of Mrs.Anjana, Additional Sessions Judge,
Ludhiana.

Unique Identification Code No.PB-0448

Bail Application No.274 of 2018

Date of institution:05.12.2018

CIS No.BA/17608/2018

CNR No.PHLD01-027331-2018

Date of Decision: 14.12.2018

State	Versus	1.	Gurpreet Singh son of Sh. Kirpal Singh, resident of V. Gidhri, P.S. Doraha, District, Ludhiana.
		2.	Ravinder Singh son of Sh. Surjit Singh, resident of V. Beerh Sahnewal, P.S. Sahnewal, District Ludhiana.
		3.	Bhupinder Singh son of Sh. Gurbant Singh, resident of Dhaur, P.S. Sahnewal, District Ludhiana.
			Applicants/Accused.

FIR No.0294 of 29.11.2018

Under Sections 61.1.14 Excise Act.

P.S. Samrala, Ludhiana

Bail Application under section 439 Cr.P.C.

Present: Shri Rajesh Khanna Advocate, counsel for applicants.
Ms. Monika Gupta, Addl. Public Prosecutor for State.

ORDER

This order of mine shall dispose of the bail application filed
by the above referred applicants under section 439 Cr.P.C. in the above

mentioned case.

2. In pursuance of the notice of the bail application having been issued learned Additional Public Prosecutor Ms. Monika Gupta for the respondent/State has put in appearance. Record has been received.

3. The learned counsel for the applicants/accused has vehemently contended that the applicants are quite innocent and have been falsely implicated in the present case. They have not committed any offence as alleged in the FIR. Nothing is to be recovered from the applicants. The applicants were arrested since long and since then they are in judicial custody. No useful purpose will be served by keeping them behind the bars and it will take long time to conclude the trial. The accused/applicants will abide by all the terms and conditions as may be imposed by this court. Lastly, prayer has been made for the acceptance of the bail application.

4. On the other hand, learned APP for the State has totally opposed the contentions of learned counsel for the applicants/accused. Thus due to gravity and seriousness of the offence, the present accused/applicants do not deserve the concession of regular bail at this stage. Lastly, prayer is made for dismissal of the bail application.

4. After hearing the respective contentions of both the sides and having gone through the record carefully, I am of the considered view that the contentions raised by the learned counsel for the accused/applicants merits acceptance. As per contents of the FIR, present case was registered on the allegations that during

checking on 29.11.2018 at about 4.20 AM, at ITI Samrala near Sua Pulli, then one car make TATA was coming from Chandigarh side and on seeing the police party, the driver of the said car moved towards Machhiwara but on the basis of suspicion the vehicle was stopped. On asking, they disclosed their names as Gurpreet Singh, Ravinder Singh and Bhupinder Singh. SI along with police party checked the said vehicle and found total 500 boxes of illicit liquor make Everyday, 999 Power Star and Naina Whiskey Chandigarh made respectively were recovered from the vehicle of the applicants without any permit or licence.

6. From the perusal of record, it come into my notice that the present accused/applicants are in judicial custody since 29.11.2018. The presentation of challan and thereafter, conclusion of trial is likely to take considerable time. Thus, no useful purpose will be served to detain the accused/applicants behind the bars. As per the guidelines laid down by Hon'ble Apex Court in case titled as “**Sanjay Chandra Vs. CBI 2012(1) SCC 40**” ,it has been made abundantly clear that the object of bail is to secure the presence of the accused person at the trial. The object of bail is neither punitive nor preventive. The jurisdiction to grant bail has to be exercised on the basis of well settled principles having regard to the circumstances of the case, the nature of accusation, the evidence to be led in support thereof, the severity of punishment, the character and behaviour of the accused, reasonable apprehension of tampering with the evidence, reasonable possibility of

securing the presence of accused during the trial, the larger interest of public and state. Thus when the above said yardstick are applied to the case in hand, the court finds merit in the submissions put forth by the learned counsel for the applicants. The applicants are hereby admitted to bail on their furnishing bail bond in the sum of Rs. 50,000/- each with one surety each in the like amount to the satisfaction of learned Illaqa/Trial Court/Duty Magistrate with the direction that the present applicants shall not leave the country without the prior permission of the court and shall not tamper with the prosecution evidence to this slightest. It is further made clear that in case of non violation thereof, this order shall cease to have effect qua the same applicants. Anything said in this order shall not affect the merits of main trial, in any manner. File be consigned to the record room. Police record be returned.

Pronounced;
Dt;14.12.2018
Ajay Sarin, SG/II

(Anjana)
Addl. Sessions Judge,
Ludhiana.
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