

Satgur Singh Vs. State of Punjab

Present:- Sh.K.S.Dhaliwal , Learned Advocate for applicant.
Sh.P.S Chahal, Learned Additional PP for State.

1. The applicant/accused has filed the present bail application for anticipatory bail under section 438 Cr.P.C, in case FIR No.17 dated 28.01.2021 U/s 61/78 (2) of The Punjab Excise Act, 1914 Police Station Bareta, District Mansa.
2. It is the case of the prosecution that accused Satgur Singh was carrying 45 bottles of country made liquor manufactured in Haryana distillery in a bag, tied on his motorcycle bearing no.PB-50A-0322. On seeing the police party, he fled away from the spot leaving the motorcycle and the bag containing bottles of the liquor at the spot.
3. Learned counsel for the applicant has argued that he has no concern with vehicle and the recovered liquor. He further argued that recovery has been effected and applicant is not required for any custodial interrogation. With these submissions, he prayed for grant of bail to the accused.
4. Per contra, learned Additional Public Prosecutor for State has argued that investigating officer has recorded the statement of Gurtej Singh owner of the motorcycle in question in which he stated that he had sold the motorcycle to Satgur Singh. He further argued that applicant is involved in one another case of Excise Act. He further argued that custodial interrogation of the accused is required.
5. I have heard the rival contentions of both sides and perused the record.

6. It is the case of the prosecution that motorcycle bearing no.PB-50A-0322 belongs to accused as it was sold by its registered owner Gurtej Singh to the applicant/accused. I have gone through the record produced by the IO. Except the statement of Gurtej Singh there is no document showing sale of the motorcycle in favour of applicant/accused. The presence of the applicant at the spot is a debatable question which can be decided after culmination of the trial. Therefore, applicant is directed to join the instigation and in the event of his arrest, Arresting Officer/Investigating Officer is directed to release him on bail subject to his satisfaction. For report, now to come up on 09.02.2021. Record be also produced on the date fixed.

Pronounced/04.02.2021

Raj Kumar//SG-I

(Dinesh Kumar),
Addl. Sessions Judge, Mansa.
(UID No.PB0445).