

CRN PBBT01004232020.
CRN No.BA-1749 of 2020.

Guljinder Singh @ Nikka and another vs. State

Present: Sh.Gursewak Singh Sidhu, Adv.for the applicants (through
video conference).
Sh.Amarjit Syal Add. PP for the State

ORDER

1. This order of mine shall dispose of first anticipatory bail application under Section 438 Cr.P.C. filed by applicants/ accused in FIR No.108 dated 18.6.2020, u/s 61, 78 of Punjab Excise Act, PS Talwandi Sabo, Bathinda.

2. Learned counsel for the applicant has submitted that the applicants were never present at the spot nor they have been arrested. They have been implicated on the basis of suspicion. Co-accused have already been arrested. Nothing is to be recovered from the applicants. He has prayed for the acceptance of bail application.

3. On the other hand, learned Additional Public Prosecutor for State has opposed this bail application alleging that applicants alongwith other accused were indulging in brining liquor from Haryana at cheaper prices and selling in Punjab at expenses prices. He has prayed for the dismissal of the present bail application.

4. Perusal of the file reveals that instant case was registered on the basis of secret information received by ASI Jarnail Singh that Hari Singh, Kulvir Singh sons of Sukhwinder Singh @ Sukhdev Singh, r/o Dharampura, Rajwinder Singh @ Rfaju s/o Leelu Singh, r/o Dharampura, Ranjit Singh son of Nazar Singh, Bagga Singh s/o Anokha

Singh, r/o Gatwali, Dipty Singh son of Gurmail Singh, r/o Dadu and Guljinderpal Singh @ Nikka s/o Jagroop Singh r/o Makhan, PS Kalianwali were bringing country made liquor from Haryana at cheaper prices and selling it at higher rates in the area of Talwandi Sabo. They were coming with liquor in huge quantity on a Verna car bearing No.HR-05Z-9000. The secret information led to the laying of Naka and the police party spotted Verna car bearing No.HR-05Z-9000, which on checking contained 18 boxes of country made liquor make Shehnai with 12 bottles of 750 Mls contained in each box i.e. 216 bottles. The persons apprehended from the car were Hari Singh, Kulvir Singh, Rajwinder Singh and Ranjit Singh.

5. So, from the police file on record, the present applicants were never apprehended on the spot nor they were in Verna car bearing No.HR-05Z-9000. It is also not the case of prosecution that they had managed to escape from the spot. They have been nominated because of the secret information received against them that they were also involved in the commission of offence. Hence, keeping in view the circumstances of the case, I find that custodial interrogation of the applicants, from whom no recovery was ever effected nor they were ever present on the spot, is not required. Even otherwise, they are ready to join investigation. Thus, applicants are admitted on anticipatory bail. He they directed to join investigation with the Investigating Officer within 2 days from today and to cooperate in it. In that eventuality, they will be released on anticipatory bail by the arresting officer on furnishing of bail bonds to his satisfaction. Applicant shall comply with

the conditions under section 438 (2) Cr.P.C. Copy of this order be sent to the concerned quarter. Now to come up on 10.7.2020 for awaiting outcome of the investigation.

Pronounced in Open Court:

Dt.07.07.2020.

Kulwinder Singh,
Stenographer(Grade-II).

(Sanjeeta)

**Addl. Sessions Judge(D),
Bathinda (UID:PB-0177).**