

In the Court of Sardar Harjeet Singh,
Additional Sessions Judge, Amritsar.
(Unique Identification No. PB0131)

Case Type	BA	
Filing No.	BA/307/2022	Date: 11.01.2022
CNR No.	PBAS010004592022	
CIS Number	BA/174/2022	
Date of Order	28.01.2022	

State of Punjab.

Versus

Kavish Khurana son of Anil Khurana, resident of 215/221, Shastri Nagar, Amritsar and also Partner of M/s Kishore Hospitality Elgin Cafee, Airport Road, Amritsar.

.....Applicant/accused.

FIR No. 45 dated 11.12.2021
Under Section 61 of Excise Act & 420, 468, 120-B of IPC
Police Station: Airport, Amritsar.

Bail Application under Section 438 of Cr.P.C.

Present: Shri Deepak Kumar Kashyap, Counsel Counsel for the
 applicant-accused.
 Shri N.K. Gupta, Addl. PP for the State.

ORDER

Vide this order, I intend to dispose of bail application under Section 438 Cr.P.C. filed by applicant-accused Kavish Khurana in the FIR mentioned above.

Police record was summoned and received.

Learned Counsel for the applicant-accused argued that applicant-accused has not committed any offence and has been falsely implicated in this case. Applicant-accused has already joined the investigation. His custodial interrogation is not required and prayed that applicant-accused be admitted to bail.

On the other hand, learned Addl. PP for the State argued that FIR was registered on true facts and it is not a fit case, where concession of anticipatory bail can be granted to accused and prayed that bail application be dismissed.

I have considered the submissions of learned Counsel for the applicant-accused and learned Addl. PP for the State.

FIR was registered on the allegations that liquor only saleable in Chandigarh has been recovered from Kishore Hospitality, Amritsar and they have not paid any excise duty on the same and liquor was found without any hologram.

Vide order dated 25.01.2022 passed by this Court, applicant-accused was granted interim bail with a direction to join investigating with Arresting/Investigating Officer. Today, ASI Baljinder Singh appeared and made statement that applicant-accused has joined the investigation and his custodial interrogation is not required. He further stated that bail application

of applicant-accused is not pending in Hon'ble High Court and Hon'ble Apex Court.

Applicant has claimed that they are having proper license for doing their business and they have purchased the wine from contractor, which was packed in boxes. Since applicant-accused has already joined the investigation, so, in view of the statement of ASI Baljinder Singh recorded in the Court, as the applicant-accused has joined the investigation, his custodial interrogation is not required and culpability of applicant-accused shall be gauged during the course of trial, so, without much commenting upon merits of the case, order dated 25.01.2022 granting interim bail to applicant-accused, is made absolute and bail application is allowed, subject to adherence of following conditions specified in Section 438(2) of Cr.P.C. by the applicant-accused:-

1. That applicant-accused shall make himself available for interrogation by the police officer, as and when required;
2. That applicant-accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him forcibly from disclosing such facts to the Court or to any police officer;
3. That applicant-accused shall not leave India without prior permission of the Court.
4. In addition to the above referred directions, in view of the outbreak of Corona Virus (COVID-19), the applicant is also directed to maintain social distancing and to obey the guidelines issued in this regard by the competent authorities during continuance of such outbreak.

Police record be returned forthwith. File be consigned to the
record room.

Pronounced in open Court:
28.01.2022
(janesh, Stenographer G-II)

(Harjeet Singh),
Additional Sessions Judge,
Amritsar.
(UID: PB0131)