

CIS No.PBSG010038062020

Reg. No.1704/2020

Present: Shri K. S. Sandhu Adv., learned counsel for applicant.

Shri R. S. Kauldhar, Addl. Public Prosecutor for State.

1. Arguments on anticipatory bail application moved by applicant/accused Jiwan Lal under Section 438 Cr.P.C. in case bearing FIR No. 107 dated 02.06.2020 under Sections 61/1/14 Punjab Excise Act, Police Station city Dhuri, heard. Police record produced and perused.

2. Learned counsel for applicant/accused has argued that applicant/accused has been falsely implicated in this case. The alleged recovery of 24 bottles of country made liquor labelled as NV Malta for sale in Haryana only has already been effected from accused Sanjiv Kumar non-applicant. The only allegations against the applicant/accused is that the said liquor was handed over to Sanjiv Kumar by the applicant/accused as per secret information which is yet to be proved. Nothing is required to be recovered from the applicant/accused. Applicant/accused is ready to join the investigation and to co-operate in the investigation. Therefore, it is prayed that applicant/accused may kindly be released on anticipatory bail.

3. On the other hand, learned Additional Public Prosecutor for the State has argued that 24 bottles of country made liquor labeled as NV Malta for sale in Haryana supplied to Sanjiv Kumar co-accused by applicant/accused were recovered from the possession of co-accused Sanjiv Kumar on 02.06.2020 on the basis of disclosure statement. He has

also argued that the custodial interrogation of applicant/accused is required to conduct the proper investigation of this case and to find out the source from where the said liquor was brought. Hence, it is prayed that the pre-arrest bail application moved by applicant/accused may kindly be dismissed.

4. As per allegations of the prosecution, on 02.06.2020, 24 bottles of country made liquor labeled as NV Malta for sale in Haryana only were recovered from the possession of non-applicant/ accused Sanjiv Kumar alias Vicky on the basis of secret information received by HC Charanjit Singh. No doubt, as per the secret information the said bottles of country made liquor were given to Sanjiv Kumar by Jiwan Lal son of Shivji Ram resident of Shiv Puri Mohalla Dhuri, but the said fact is yet to be proved. Recovery of country made liquor has already been effected. The applicant/accused was implicated in this case on the basis of secret information only. Therefore, without going into the merits of the case, I am of the view that it is a fit case where concession of pre-arrest bail can be given to applicant/accused. As such, applicant/accused is directed to join the investigation within 05 days from today and in case of his appearance before the investigating officer to join the investigation in this case, the investigating officer shall release him on interim bail to his satisfaction subject to the following conditions:-

- a) applicant/accused shall make himself available for interrogation by a police officer as and when required;

(b) 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/her from disclosing such facts to the Court or to any police officer;

(c) applicant/accused shall not leave the country without prior permission of the Court.

A copy of this order be sent to the SHO, Police Station City Dhuri. Police file be returned. Now to come up on 16.06.2020 for awaiting report of Investigating Officer regarding joining of investigation by the applicants/accused and arguments on bail application.

Announced:

Dated:- 05.06.2020.

(Sham Lal),
Additional Sessions Judge,
Sangrur.(Duty)
[UID Number : PB0123]