

**IN THE COURT OF SHRI H.S. GREWAL,
SESSIONS JUDGE, MANSA
(UID NO.PB0081)**

Bail application No.605

Date of institution: 03.12.2024

CIS No.BA/1642/2024

CNR No.PBMN010046172024

Date of order: 09.12.2024

Kewal Singh, aged about 32 years, son of Sukhdev Singh son of Leela Singh, resident of village Nangal Kalan, District Mansa.

--- Applicant-accused

Versus

State

---Respondent.

Bail application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita 2023.

FIR No.357 dated 01.12.2024
under Section 61(1), 78(2) of Punjab Excise Act,
1914 read with Amended Act, Police Station,
Sadar Mansa, District Mansa.

Present: Shri L.S. Sran, Advocate, counsel for applicant-accused.
Shri Harvinder Singh, Public Prosecutor for the State.

ORDER

This order of mine shall dispose of an application for anticipatory bail filed on behalf of applicant Kewal Singh in FIR No.357

dated 01.12.2024, under Section 61(1), 78(2) of Punjab Excise Act, 1914 read with Amended Act, Police Station, Sadar Mansa, District Mansa

2. In pursuance of notice of the application having been issued, the learned Public Prosecutor for the respondent-State has put in appearance and record has been produced by ASI Pal Singh. Report of Ahlmad has been perused. As per report of Ahlmad, no application filed by the applicant is pending nor any application has been decided by the Hon'ble High Court.

3. Learned counsel for applicant has argued that the applicant has been falsely implicated in the present case on the basis of the factum that co-accused namely Balwinder Singh has named the applicant as to his being the person who was accompanying him and had been able to flee away from the vehicle. Recovery has been shown to have been effected of 15 boxes containing 180 bottles of country made liquor make 'Shahi' (Haryana). He has urged that neither the vehicle which has been taken into possession is in the name of the applicant, nor he has got any concern. It is hard to believe that the police party was consisting of 4-5 persons, that applicant, in case he was actually present, would have been able to flee away. The recovery has been effected from co-accused Balwinder Singh. He has already been accorded regular bail. The applicant is ready to abide by the directions, if any imposed. Application be allowed.

4. On the other hand, learned Public Prosecutor for State has hotly opposed the contentions and has argued that the applicant has been

named by co-accused Balwinder Singh and also by HC Harjinder Singh. Thus, the factum regarding identity of the applicant stands established. It was the applicant who had fled away from the vehicle, from which recovery has been effected of 15 boxes containing 180 bottles of country made liquor make 'Shahi' (Haryana). Thus, in light of gravity and seriousness of offence, the application be dismissed.

5. After giving my thoughtful consideration to the rival submissions and on careful perusal of the averments put in the application, contents of the FIR, perusal of record produced by ASI Pal, coupled with the assistance rendered, it is apt to make mention that as per the prosecution version, on 01.12.2024 at the barricade when patrolling duty was being formed, a vehicle Safari was intercepted. As per prosecution version, the applicant who was sitting by the side of driver had been able to flee away from the vehicle. Recovery has been shown to have been allegedly effected of 15 boxes containing 180 bottles of country made liquor make 'Shahi' (Haryana) from the vehicle. Recovery has been effected from the co-accused Balwinder Singh, who was driving the said vehicle. As per assistance rendered, co-accused has already been accorded regular bail. It is all a matter of evidence with regard to the identity of the person who had fled away from to vehicle as to whether it was the applicant or someone else? Hence, taking note of totality of the facts, the Court is of the considered opinion that ends of justice shall be squarely met in case applicant is directed to make himself available to facilitate thorough and fair investigation. As such, his custodial

interrogation is not required. Thus, the applicant is directed to appear before the SHO/ investigating officer within seven days from today and he shall fully cooperate. On putting in appearance, the applicant shall be admitted to bail on his furnishing the bail bonds in the sum of Rs.50,000/- with one surety in the like sum, to the satisfaction of the Investigating Officer/S.H.O of the concerned police station, with the directions:-

1. That the applicant shall not leave the country without prior permission of the court,
 2. He shall not tamper with the prosecution evidence even to the slightest,
 3. He shall render every possible help during the investigation as and when called upon,
 4. He 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 from disclosing such facts to the court or to any police officer.
6. He shall make compliance of the provisions enshrined under section 482 of the Bharatiya Nagarik Suraksha Sanhita. The bail application is accordingly allowed. Copy of order be sent to the concerned police station for compliance. Police record has been returned. File be consigned to the record room.

Announced:
09.12.2024

(H.S. Grewal)
Sessions Judge, Mansa
(UID No.PB0081).

CNR No.PBMN010046172024

BA/1642/2024

Kewal Singh Vs. State

Present: Shri L.S. Sran, Advocate, counsel for applicant-accused.
Shri Harvinder Singh, Public Prosecutor for the State.

In pursuance of notice learned Public Prosecutor has put in appearance on behalf of the respondent-State. Record has been produced by ASI Pal Singh. Arguments have been heard. Vide separate detailed order of even date, the bail application has been allowed as detailed therein. Police record has been returned. Copy of order be sent to the concerned police station for compliance. File be consigned to the record room.

Announced:
09.12.2024

(H.S. Grewal)
Sessions Judge, Mansa
(UID No.PB0081).

Sukhwinder Singh SG-II