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Sonu Masih Vs State of Punjab.

**IN THE COURT OF
Additional District & Sessions Judge
AT ,Gurdaspur
(Presided Over by Sh. Krishan Kumar Singla)**

Bail Appl. No. 253-A of 20.6.2019
CIS BA No. 1695 of 2019
CNR NO. PBGD01-006664 of 2019
Date of decision: 29.6.2019

Sonu Masih son of Shinda Masih R/o Vill. Virk, P.S. Ghuman
Kalan Tehsil and District Gurdaspur.

...Accused/applicant

Versus

State of Punjab

...Respondent.

FIR NO. 22 dated 16.6.2019
under Sections 61/1/14 of Punjab Excise Act,
registered at P.S Ghuman Kalan.

Present:- Sh. D.S.Aulakh, Adv counsel for applicant/accused
Sh. Vikram Lamha, Ld. Addl. PP for the State

ORDER.

1. Present bail application has been filed under Section 438 Cr. P.C on behalf of accused/applicant Sonu Masih for grant of anticipatory bail in case FIR NO. 22 dated 16.6.2019 under Sections 61/1/14 of Punjab Excise Act, registered at P.S Ghuman Kalan.
2. On 24.6.2019, this Court granted interim relief to applicant/accused by passing following order:-

1....“ Presented before me during summer

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vacation being Vacation Judge.

- Present bail application has been filed under Section 438 Cr. P.C on behalf of accused/applicant Sonu Masih in case FIR No.22 dated 16.6.2019 under Sections 61/1/14 of Punjab Excise Act, registered at P.S Ghuman Kalan.
- Allegations are that 450 kilograms of Lahan was recovered from the house of applicant/accused, while accused/applicant ran away after seeing the police party. As per contents of the FIR, Excise Inspector Navtej Singh was called at the spot who checked the lahan and ultimately alleged lahan was drawn out. With these allegations, FIR in question was registered against applicant/accused.
- Upon notice, Shri Vickram Malha, Ld. Addl.P.P has appeared on behalf of the State.
- Record has been called.
- Arguments heard.
- Contention of Sh. D.S.Aulakh, Advocate counsel for applicant/accused is that applicant/accused has been falsely implicated in the present case. On the same day, two FIRs has been registered, one against applicant/accused and another against Happy Masih who is real brother of applicant/accused. In both the FIRs, accused are said to be not apprehended at the spot. It has been contended that as per prosecution, lahan alleged to be recovered was drawn out and now Investigating Agency is not having any case property with it entitling the applicant/accused to retest the recovered material. No videography was done. No

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photographs were clicked at the spot, from which, it can not be ascertained that how much lahan was recovered from the applicant/accused. Further more, no sample was drawn as per FIR.

- He further argued that as per FIR, applicant/accused fled away from the spot and as such, identity of applicant/accused is in dispute. It has been further contended that applicant/accused is ready to join investigation and co operate with the Investigating Agency.
- Adjourned to 29.6.2019
- In the meantime applicant/accused is directed to join investigation and cooperate with the IO. In the event of arrest of applicant/accused, he is ordered to be released on interim bail on his furnishing bail bonds and surety bonds to the satisfaction of IO/Arresting Officer, subject to conditions laid down Under Section 438(2) Cr.P.C.

3. Today ASI Rakesh Kumar came present to record his statement to the effect that applicant/accused has joined the investigation and required recovery has already been effected. His custody is not required in the present case.

4 In view of this, interim order dated 24.6.2019 whereby applicant/accused was ordered to be released on interim bail on his furnishing bail bonds and surety bonds to the satisfaction of IO/Arresting Officer, subject to conditions laid down Under Section 438(2) Cr.P., is hereby made absolute.

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5. Police record be returned and file be consigned to record room.

Pronounced
Dated:-29.6.2019

(K.K.Singla)
Additional Sessions Judge,
Gurdaspur. Duty
UID No. PB 0197

Prem Kumar
Stenographer-II

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Present:- Sh. D.S.Aulakh, Adv counsel for applicant/accused
Sh. Vikram Lamha, Ld. Addl. PP for the State

Today, ASI Rakesh Kumar is present and recorded his separate statement.

Vide my separate detailed order announced today, interim order dated 24.6.2019 whereby applicant/accused was ordered to be released on interim bail on his furnishing bail bonds and surety bonds to the satisfaction of IO/Arresting Officer, subject to conditions laid down Under Section 438(2) Cr.P., has been made absolute.

Police record has been ordered to be returned and file be consigned to record room.

Pronounced
Dated:-29.6.2019

(K.K.Singla)
Additional Sessions Judge,
Gurdaspur. Duty
UID No. PB 0197

Prem Kumar
Stenographer-II