

**IN THE COURT OF KAWALJIT SINGH,
JUDGE SPECIAL COURT, TARN TARAN.
(UID Number PB0155)**

Case Type	BA
Filing Number	2504/2023 Filing Date: 16.05.2023
Registration Number	1421/2023 Date of Registration: 17.05.2023
CNR Number	PBTT0100-2953-2023
Date of Decision	30.05.2023

Rajpal Singh, aged 35 years, son of Gajan Singh, resident of village Bhail Dhai Wala, Fatehabad, Tehsil Khadoor Sahib, District Tarn Taran.

---Applicant/accused

Versus
State of Punjab

---Respondent

FIR No.198 dated 10.05.2023
Under Sections 61 of Excise Act
Police Station Goindwal Sahib

BAIL APPLICATION UNDER SECTION 438 Cr.P.C.

Present: Shri Narinder Singh, counsel for the applicant/accused
Shri Gurpreet Singh Rana, Additional P.P. for State

ORDER

Applicant/accused has filed the instant bail application under Section 438 Cr.P.C., seeking anticipatory bail in the above noted case.

2. As per prosecution version, the present FIR was registered on the basis of secret information to the effect that applicant/accused brings illicit liquor from Mand area to sell it further. Accordingly police party headed towards Mand area and confronted applicant/accused coming from front side while carrying a plastic can on his right shoulder. On seeing the police party applicant/accused kept the plastic can on the side of road and ran towards the agricultural fields. Police party tried to catch hold of him but applicant/accused managed to flee.

3. It is argued by the learned counsel for the applicant/accused that on the basis of concocted allegations this baseless case has been

registered with a view to harass the applicant/accused. It is submitted that police party consisted of number of police officials and also is said to be on official vehicle and in the presence of so many police officials it not believable as to how a person on bare feet could escape from the spot. Identity of the applicant/accused at the spot is also does not stand established. Applicant/accused is not involved in any other case FIR. Recovery, if any, already has been made and nothing more is to be recovered from the applicant/accused and prayed for grant of anticipatory bail to the applicant/accused.

4. On the other hand, learned Additional P.P. for the State opposed the bail application.

5. I have considered the rival contentions of both the parties and have perused the police record.

6. As per prosecution version, present FIR was registered on the basis of secret information received against applicant/accused and following the same case police team confronted applicant/accused while he was carrying plastic can on his right shoulder. As per police version applicant/accused managed to escape from the spot. Identity of the applicant/accused at the spot is doubtful and is to be proved by the prosecution beyond shadow or reasonable doubt. Recovery already has been affected and there is nothing on record to say if any other FIR stands registered against the applicant/accused. Custodial interrogation of the applicant/accused does not appear to be imminent as already recovery has been made. Thus, without commenting upon the merits of the case and in order to facilitate investigation, applicant/accused also is directed to join the investigation before 16.06.2023 and in the event of his arrest, he is

ordered to be released on bail, to the satisfaction of Arresting/Investigating Officer on the following conditions:

- 1) That the applicant/accused shall appear before the Investigating/Arresting Officer as and when called upon him.
- 2) That the applicant/accused shall not leave India without the prior permission of the court.
- 3) That the 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 from disclosing such facts to the court, during trial.

Now to come up on 16.06.2023 for awaiting the report from the Investigating Officer in this regard as to whether the applicant/accused has joined the investigation or not and as to whether the applicant/accused has co-operated in the investigation or not.

Announced: 30.05.2023

**Kawaljit Singh,
Judge Special Court,
Tarn Taran.
UID Number PB0155**

Lovepreet Stenographer Grade-II