

In the Court of Sh.Sachin Sharma, Addl. Sessions Judge, Kapurthala

CNR No.PBKP01-004257-2018

BA No.1573 of 21.08.2018

Date of Order: 27.08.2018

Next date of hearing – 04.09.2018

Baaz Singh, s/o Sher Singh, r/o Village Dogranwal, District Kapurthala.

... Applicant/Accused

Versus

State of Punjab.

FIR No.98 of 16.08.2018,

U/s 61-1-14 Excise Act,

P.S. Subhanpur, District Kapurthala.

(Application for bail under Section 438 of Cr.P.C)

Present: Sh.Suresh Chopra, Adv., counsel for the applicant/ accused.

Sh.Arvind Sahai, Addl. Public Prosecutor for the State.

O R D E R

The present bail application has been moved by above named applicant/accused under section 438 of Cr.P.C, pertaining to criminal case registered vide FIR No. 98 of 16.08.2018, as stated above.

2. Brief facts of the present case are that recovery of *Lahan* in the present case has been effected on the basis of secret information, however, the accused person was managed to escape from the spot. Now apprehending his arrest, the applicant/accused has moved this bail

application U/s 438 Cr.P.C.

3. Upon notice, learned Public Prosecutor for the State appeared. Police Record of the case has also been summoned.

4. I have heard learned counsel for the applicant/ accused, learned Addl. PP for the State and have gone through the record pertaining to this bail application, including police record, with their able assistance.

5. Learned counsel for the applicant/accused contended that the applicant/accused has been falsely implicated in this case. He further contended that nothing is to be recovered from him, and he is ready to join the investigation in this case. He prayed that the applicant/accused may be released on anticipatory bail.

6. On the other hand, learned Addl.PP for the State has vehemently and strongly opposed the bail application and argued that there are serious allegations against the applicant/accused and prayed for dismissal of the bail application.

7. I have paid a considerable thought to the submissions of both the parties and have gone through the record very carefully with their able assistance.

8. Admittedly, it is a case where aforesaid case has been registered against the applicant/accused on the basis of the secret information and recovery of 200 ltr *Lahan* has already been effected in the present case. However, the applicant/accused could not be arrested at the spot. Therefore, while taking into consideration the aforesaid facts and circumstances of the case and the identity of the applicant/accused at the place of recovery is a debatable issue. Therefore, in the event of arrest of

applicant/accused in the case in hand, he shall be released on interim bail to the satisfaction of Arresting Officer/Investigating Officer. The applicant/accused shall comply with the provisions of section 438 (2) Cr.P.C and he shall join the investigation pertaining to the case in hand within 07 days from today. Also, there are no chances that applicant/accused will tamper with the prosecution evidence or threatening the witnesses if released on bail. Anything said in this order shall not affect the merits of the main trial in any manner. Now to come up on 04.09.2018 for further proceedings and consideration. Police record be returned and the same be again produced on the date fixed.

Pronounced in open Court.
Dated: 27.08.2018
Kaushal

(Sachin Sharma)
Addl. Sessions Judge,
Kapurthala.
UI Code – PB0519

Next date – 04.09.2018

Purpose -