

Present: Shri Baghel Singh Bangarh , learned counsel for applicant.

Shri Navdeep Goyal, Addl. Public Prosecutor for State.

1. Arguments on anticipatory bail application moved by applicant/accused Bahadur Singh under Section 438 Cr.P.C. in case bearing FIR No. 198 dated 24.05.2020 under Sections 61/1/14 Punjab Excise Act, Police Station Sadar 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. No recovery was effected from the possession of applicant/accused. His custodial interrogation is not required for the purpose of investigation as nothing is to be recovered from the applicant/accused. The name of applicant/accused does not figure in the FIR as the FIR contained the name of Bahadur Singh son of unknown resident of village Banera whereas the applicant/accused is resident of village Bardwal. 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 190 liter Lahan in three drums were recovered from the field of Harkamal Preet Singh and Ramanjot Singh situated on Kanjhla road in the area of village Killa Hakima on 24.05.2020 on the

basis of secret information received against applicant/accused and his co-accused Harkamal Preet Singh and Ramanjot Singh. He has further submitted that applicant/accused and Ramanjot Singh decamped from the place of recovery on seeing the police party and the police officials who chased them disclosed to the investigating officer on coming back that the said persons who decamped from the place of recovery were Ramanjot Singh son of late Surinder Singh (Ex- MLA) resident of Dhuri and Bahadur Singh resident of Bardwal and not of village Benra. The applicant/accused has connived with the co-accused Harkamal Preet Singh who was captured at the spot and Ramanjot Singh and as such, it cannot be said that applicant/accused is not involved in the commission of the said offence. He has also argued that the custodial interrogation of applicant/accused is required to conduct the proper investigation of this case. 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 24.05.2020, police party of police post Ranike on receiving a secret information against applicant/accused and his co-accused to the effect that Harkamal Preet Singh and Ramanjot Singh sons of late Surinder Pal Singh Ex. MLA resident of Dhuri along with Bahadur Singh r/o Banera used to sell country made liquor by bringing the same from outside in their house situated in the field on Kanjhla road at village Killa Hakima and they also used to extract illicit liquor from Lahan and in case a raid is conducted at their said house, they could be captured alongwith country made liquor

and Lahan, police party of Police Post Ranike conducted the raid at the place disclosed in the secret information and recovered 190 liter Lahan lying in three drums from the house of Harkamal Preet Singh and Ramanjot Singh and Ramanjot Singh and Bahadur Singh applicant/accused fled away from the place of recovery on seeing the police party whereas their co-accused Harkamal Preet Singh was captured at the spot. No doubt, the alleged recovery of lahan was effected from the house of Harkamal Preet Singh and Ramanjot Singh but the applicant/accused who fled away from the place of recovery alongwith Ramanjot Singh was also connived with Harkamal Preet Singh in the commission of the said offence as per the allegations of the prosecution. It is correct that the name of the village of Bahadur Singh in the FIR has been mentioned as Benra whereas applicant/accused is resident of village Bardwal but in the recovery memo the name of his village has been mentioned as Bardwal as the police official who chased applicant/accused and Ramanjot Singh when they fled away from the place of recovery on seeing the police party disclosed to the Investigating officer about the village of the applicant/accused as Bardwal on coming back after identifying him. Therefore, at this stage, it cannot be said that applicant/accused has not committed any offence. Thus, the custodial interrogation of the applicant/accused is required for proper investigation of this case and to find out the source from where the said huge quantity of lahan was procured by the applicant/accused. Hence, I do not find any justification to grant the extra ordinary relief of anticipatory bail to the

Bahadur Singh Vs. State.

4

applicant/accused. As such, instant bail application for anticipatory bail moved by the applicant/accused stands dismissed. Police record be returned. Bail application file be sent to the learned Sessions Judge, Sangrur for the purpose of consignment on 05.06.2020.

Announced:

Dated:- 01.06.2020.

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

shama, stenographer-II