

**IN THE COURT OF MS. PALWINDER JIT KAUR,
ADDITIONAL SESSIONS JUDGE, PATIALA.**

CIS No.BA/ 2325/ 2021
CNR No. PBPT0100-6895-2021
Date of Institution: 12.07.2021
Decided On: 19.07.2021

Mehal Singh alias Mahil Singh aged about 61 years, son of Sh.Shisha Singh, resident of Village Kuka, P.O. Gajju Majra, Tehsil and District Patiala.

...Applicant-accused

Versus

State of Punjab etc.

...Respondents

FIR No. 164 dated 7.7.2021
Under Section 61, 1,14 of Punjab Excise Act, 1914.
Police Station: Samana Patiala

Bail Application under Section 438 Cr.PC

Present: Sh. K.S. Ghuman Adv, counsel for the applicant-accused.
Ms.Neena, Public Prosecutor for the State.

ORDER:

1. Apprehending arrest in connection with above FIR, in the matter of offence punishable under Section 61 of the Punjab Excise Act, the applicant has moved this application under Section 438 Cr.P.C for anticipatory bail.

2. Learned counsel for the applicant has argued that the applicant has been falsely implicated by the police in the above said FIR due to ulterior motive. Nothing is to be recovered from the petitioner at this stage. His custodial interrogation is not required. The applicant is ready to join the investigation as and when required by the police and that he shall abide by all the terms and conditions imposed by the court. He is entitled to get anticipatory bail.

3. On the other hand, learned Public Prosecutor for the State argued that the accused/ applicant was found in possession of 170 liter Lahan with him, however, the accused fled away from the spot leaving the Lahan. Huge recovery has been effected in this case. As such the accused/ applicant is not entitled to concession of anticipatory bail.

4. This Court has heard the learned counsel for the applicant-accused, learned Public Prosecutor for the State and gone through the record.

5. According to the police, on 7.7.2021 Police of PS Sadar Samana on the basis of secret information raided the house of the accused/ applicant where the accused applicant was found distilling the illicit liquor. When the police raided his house, the accused/ applicant succeeded in fleeing away. The police recovered 170 liter Lahan from the house of the accused/ applicant and FIR was registered. The investigation is in progress. The challan in the matter has not been presented so far. The alleged recovery of Lahan has already been effected.

6. Keeping in view the above detailed discussion and facts that heavy recovery of 170 liter of Lahan has been effected from the house of the accused as such, his custodial interrogation is required to find the genuineness of crime and unravel the truth. So far as the averments/ contentions of the learned counsel for applicant are concerned, those are matter to be appreciated only after taking evidence during trial. At this stage, it is too early to jump to any conclusion for the purpose of pre-arrest bail. The matter is still pending for inquiries and challan is yet to be presented. Therefore, there is every likelihood that if granted bail, the applicant may attempt to hamper the

process of the investigation in one way or the other. It would not give a right signal to the society. Without further delving into merits of the case and in view of the serious allegations against the present applicant, this Court is of the considered view that the applicant is not entitled to the concession of bail. The bail application of the applicant is hereby dismissed. Police record be returned. File be consigned to the record room, Patiala.

Date of Order : 19.07.2021

Braham Kumar- Stenographer-I

(Palwinder Jit Kaur)
Addl. Sessions Judge Patiala
(UID No.PB 0187)

Mehal Singh alias Mahil Singh vs State of Punjab

CIS No.BA/ 2325/ 2021
CNR No. PBPT0100-6895-2021

Present: Sh. K.S. Ghuman Adv, counsel for the applicant-accused.
Ms.Neena, Public Prosecutor for the State.

Police record produced. Arguments heard on the application for anticipatory bail. Vide separate detailed order of even date, the bail application stands dismissed. Police record be returned. File be consigned to the record room, Patiala.

Date of Order : 19.07.2021

Braham Kumar- Stenographer-I

(Palwinder Jit Kaur)
Addl. Sessions Judge Patiala
(UID No.PB 0187)