

**IN THE COURT OF MANDIP SINGH DHILLON, ADDITIONAL
SESSIONS JUDGE, MANSA.**

Case Type : BA (Bail Application)
CIS Case No. : BA/1561/2021
CNR No. : PBMN010059852021
Date of registration : 21.10.2021
Date of Decision : 11.11.2021

Jagtar Singh aged about 29 years, son of Ajaib Singh resident of village
Kishangarh Sedha Singhwala, Tehsil Budhlada, District Mansa.

...Accused/applicant.

Vs.

State of Punjab

**Bail application under section 438 Cr.PC for grant of anticipatory
bail to the applicant in case FIR No. 96 Dated 16.07.2021 under
sections 61 of the Excise Act, Police Station Bareta, District Mansa.**

Present: Ms. Balvir Kaur, Advocate, Ld. counsel for
applicant/accused.
Sh. P.S. Chahal, Ld. Addl.P.P for State.

ORDER:

1. Accused/ applicant Jagtar Singh has filed the present bail application under section 438 Cr.PC for grant of anticipatory bail in case FIR No. 96 Dated 16.07.2021 under sections 61 of the Excise Act, Police Station Bareta, District Mansa.
2. Accusation leading to the registration of the FIR above said, are that on 16.07.2021 HC Sukhwinder Singh alongwith other police officials was on patrolling and when the police party reached near bus

stand of village Bahadarpur, a secret informer confided with the HC Sukhwinder Singh that Amritpal Singh son of Mela Singh resident of Hariau and two unknown persons residents of Kishangarh had kept concealed country made liquor of Haryana in the digs near bank of drain and used to sell the same. If raid is conducted, country made liquor of Haryana can be recovered. Considering the information as reliable, the police party raided the disclosed place and 156 bottles of country made liquor of Haryana was recovered.

3. It was argued on behalf of the applicant/accused that nothing is recovered from the applicant/accused. No offence has been committed by him. Applicant/accused was neither present on the spot nor arrested by the police at the spot. On these averments besides usual grounds the applicant/accused was asked for to be released on anticipatory bail.

4. The application has been opposed by the learned Addl. PP for the State.

5. I have heard the arguments of learned counsel for the applicant/accused, learned Addl. PP for the State and have gone through the police record with their able assistance.

6. Case of the prosecution is that on receiving a secret information, police party raided the disclosed place and 156 bottles of country made liquor of Haryana was recovered. By going through the police file, it reveals that applicant/accused was connected with the present case on the statement of Kulwinder Singh @ Kinda son of Surjit Singh, resident of Chak Alisher recorded under Section 161 Cr.P.C. on

06.09.2021, in which, he claimed that on 06.09.21 he was standing near Bahadarpur chowk and heard conversation between Jagtar Singh and Inderjit Singh that during the intervening night of 15,16-07-21, they had kept country made liquor of Haryana near drain for selling the same. Unfortunately, raid was conducted by the police. Amritpal Singh was apprehended at the spot, but they succeeded to flee away from the spot.

Kulwinder Singh @ Kinda has not seen them at the spot. He has based his statement only on the claim that he has heard the conversation between Jagtar Singh and Inderjit Singh. Kulwinder Singh @ Kinda is not from the village of the applicant/accused. So, how he identified him is also a question which can be decided at the time of the evidence. No doubt it is a case of heavy recovery, but due to the peculiar facts as recovery was effected from Govt. property, without commenting upon the merits of the case, applicant/accused Jagtar Singh is directed to join the investigation within 4 days from today and in that event, applicant/accused shall be released on interim bail on furnishing personal bonds in the sum of Rs.50,000/- with one surety in the like amount by the investigating officer/arresting officer, subject to the conditions that he make himself available for interrogation by the Investigating Officer as and when required; that he will not directly or indirectly make any inducement, threat or promise to any person connected with the facts of the case so as to dissuade him from deposing such facts before the Court or any police officer; and that he will not leave India without prior permission of the Court.

If the applicant/accused failed to join the investigation with the police within given time, then this order will seize to operate.

Let report be awaited till 16.11.2021.

Pronounced

Dated: 11.11.2021

**(Mandip Singh Dhillon),
Addl. Sessions Judge, Mansa.
(UID: PB0115)**

(Avinash)