

CNR NO. PBSG01-003663-2020

BA-1610 -2020

Sewak Singh @ Fauji Versus State of Punjab.

FIR No.111 dated 24.05.2020.

Case u/s 61/1/14 of Punjab Excise Act.

Police Station: Dirba, District Sangrur.

Application for bail u/s 438 Criminal Procedure Code.

Present: Shri H. S. Sidhu, Advocate, counsel for the accused-applicant

Sewak Singh @ Fauji.

Ms. Kiran, Additional Public Prosecutor for State.

ORDER:

This is an application for seeking bail under Section 438 Criminal Procedure Code filed by accused-applicant in the aforesaid case.

2. Notice of the bail application was given to State. The learned Additional PP for the State, made appearance on behalf of the State and got produced the record.

3. I have heard the learned Counsel for applicant, Additional PP for the State and also perused the record.

4. It is submitted in the application as well as argued by the learned counsel for the applicant that he has been falsely implicated in the

present case and he is innocent. He has not committed any offence. Nothing has been recovered from his possession. But, the police officials are raiding his house to arrest him without any basis. He undertakes to appear before the Court on each and every date of hearing and is ready to join the investigation as and when so directed. So, he be released on anticipatory bail.

5. On the other hand, while controverting his contentions, the learned Additional PP for the State has vehemently argued that as allegations against the applicant are grave in nature, he does not deserve the leniency of the Court in grant of relief of anticipatory bail.

6. As is revealed from the FIR, on 24.05.2020, HC Sunil Kumar received a tip off regarding indulgence of accused Baljit Singh and Sewak Singh Fauji in sale of country made liquor having brought it from Haryana in an illegal manner. Thereafter, raid was conducted at the house of Baljit Singh, who was nabbed. 96 bottles of country made liquor for sale in Haryana only were recovered from the I 20 car bearing registration no. PB23J-8006. During interrogation, he disclosed about the involvement of Sewak Singh in the crime. In this manner, the secret information gets substantiated during investigation.

7. The applicant is alleged to be involved in bootlegging activities. The recovery of 96 bottles of country made liquor has been

effected in this case. His custodial interrogation is required to find the genesis of crime and unravel the truth. So far the averments/contentions of the learned counsel for applicant are concerned, those are matters 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 bail. The matter is still pending investigation and challan is yet to be presented. Therefore, there is every likelihood that if granted pre-arrest bail, the applicant may attempt to hamper the process of the investigation in one way or the other. Moreover, there is lock down in all over the country since 23.03.2020 in the wake of outbreak of pandemic Corona virus (Covid-19). People are fighting against this contagion. Every citizen is under obligation to form a chain to save the society from the Corona virus. However, in this critical situation, the accused are entering into such like bootlegging activities. It also aggravates the gravity of offence committed by the applicant-accused to the extent of double. In the given circumstances, the Court does not deem it fit to grant the discretionary relief of bail to the accused-applicant. Without commenting much on the merits of the case and keeping in view of the seriousness of allegations against the present applicant, no exceptional circumstances are made out at this stage to attract the provision under Section 438 Cr.P.C for granting pre-arrest bail to him. Consequently, the bail application is **dismissed**.

Police record be returned. Bail papers be consigned to the
Record Room, Sangrur.

Announced in open Court.

Dated: 30.05.2020.

Rajiv Kumar, JW.

(Dr. Rajneesh)
Additional Sessions Judge,
Sangrur (UID-PB0172) (Duty)

Certified that the order has been directly dictated by the
undersigned.

Dr. Rajneesh
Additional Sessions Judge
Sangrur (UID-PB0172) (Duty)