

IN THE COURT OF RAMESH KUMARI (UID No.PB0039)
SESSIONS JUDGE, GURDASPURBail Application No.208 of 2021
Date of Institution: 25.05.2021
Date of Order : 28.05.2021Davinder Singh alias Bhagti, aged about 40 years, son of Hardeep Singh,
resident of village Athwal, Tehsil Batala, District Gurdaspur.

	...Applicant/Accused
Versus	
State of Punjab	...Respondent.

FIR No.255 dated 27.09.2020
U/s 61-1-14 of Punjab Excise Act, 1914.
P.S. GhumanFirst Application for bail U/s 438 CR.P.C

Present: Shri Rajinder Singh, Advocate, learned counsel for
accused/applicant through video conferencing.
Shri Kanwarjit Singh Gill, learned Additional Public
Prosecutor for the State.

ORDER:

Applicant/accused Davinder Singh alias Bhagti has filed
the first bail application under Section 438 of Criminal Procedure Code
(hereinafter referred to as Cr.P.C.) in case FIR No.255 dated
27.09.2020, U/s 61-1-14 of Punjab Excise Act, 1914, P.S. Ghuman.

2. Notice of bail application was issued to the State and
police record was requisitioned.

3. The facts, in brief, for disposal of present bail application
are that on 27.09.2020, ASI Gurmukh Singh alongwith other police
officials was on patrolling duty and they were going from Police
Station towards villages Bariar, Madhiala, Athwal, Bohja etc. While on

patrolling duty, when the police party reached near bridge Athwal, they saw a person coming on foot from the side of canal, and his name was Davinder Singh alias Bhagti son of Hardeep Singh, resident of Athwal, to whom ASI Gurmukh Singh already knew and that person was holding a heavy gunny bag on his shoulder. On seeing the police party he threw the aforesaid gunny bag and ran away towards fields. ASI Gurmukh Singh in the presence of his police officials checked the gunny bag and recovered 20 bottles each of 750 ml of English liquor make CRAZY-ROMEO Made In Haryana. ASI Gurmukh Singh arranged a can plastic, poured all the bottles in that can plastic and taken out one sample of 180 ml from the can plastic.

3. Learned counsel for accused/applicant has contended that the applicant/accused has been falsely implicated in this false case against the facts and law. The applicant/accused is having apprehension of arrest in this false case at the hands of local police. The FIR is registered on the basis of secret information and alleged recovery is alleged to have effected. No recovery was effected from the applicant/accused. The applicant/accused, as per FIR, is shown to have absconded from the place of occurrence and was not arrested by the police. The applicant/accused is ready to join the investigation. Presentation of challan in the learned Court and conclusion of trial will take time and prayer is made to grant pre-arrest bail to accused/applicant.

4. These arguments have been refuted by Shri Kanwarjit Singh Gill, learned Additional Public Prosecutor by contending that heavy quantity of English liquor CRAZY ROMEO made in Haryana has been recovered from possession of the applicant/accused. The allegations levelled against the applicant/accused are serious. He is not entitled for the grant of pre-arrest bail and prayed for dismissal of bail application.

5. I have heard learned counsel for the applicant/accused, learned Additional Public Prosecutor for the State and also perused the police record.

6. Police file reveals that except the present case, no other case is registered against the applicant/accused. The alleged recovery of English liquor CRAZY ROMEO has already been effected. The allegations levelled against the applicant/accused are yet to be proved during trial of the case. No purpose would be served by sending the applicant/accused behind the bars. Therefore, without commenting upon merits of the case, applicant/accused is granted interim bail till 02.06.2021 with the direction to join the investigation.

A copy of this order be sent to the concerned police station for information. For police report regarding joining of investigation by the applicant/accused, to come up on 02.06.2021.

Pronounced:
28.05.2021
(*Vinay*)

(Ramesh Kumari)
(UID No.PB0039)
Sessions Judge, Gurdaspur