

**IN THE COURT OF PARMINDER SINGH GREWAL,  
ADDITIONAL SESSIONS JUDGE (UID NO.PB0438),  
SAS NAGAR**

CNR No. PBSA0101-0435-2021  
CIS No. BA-2872-2021  
Date of Institution: 13.12.2021  
**Date of Order: 20.12.2021**

Divay Khanna, aged about 36 years, son of Rajiv Khanna, resident of Shop No. 35, New Sabji Mandi, Sirsa, District Sirsa (Haryana), now resident of House No.1303, Tower Number-7, Royal Motia Enclave, Zirakpur, Tehsil Dera Bassi, District SAS Nagar (Mohali).

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

FIR No. 194 dated 14.11.2018  
U/s 420, 465, 467, 468, 471, 272, 120-B of IPC and Section  
61/1/14 of Punjab Excise Act, 1914.  
Police Station Lalru, District SAS Nagar.

**First Petition under Section 439 of Cr.P.C. for granting  
regular bail to the applicant/accused.**

Present: Mr. Yadwinder Singh Advocate for the petitioner.  
Mr. Manjit Singh, Additional P.P. for the State assisted by  
HC Balbir Singh.

**ORDER**

1. This order of this Court shall dispose of the present bail petition filed in case FIR No. 194 dated 14.11.2018 under Sections 420, 465, 467, 468, 471, 272, 120-B of IPC and Section 61/1/14 of Punjab Excise Act, 1914 registered at Police Station Lalru, District SAS Nagar for releasing the present petitioner on regular bail under Section 439 of Cr.P.C.

2. Learned counsel for the petitioner has submitted that as per

(Parminder Singh Grewal)  
Additional Sessions Judge,  
SAS Nagar (20.12.2021)

the allegations in the present FIR registered on a secret information, one factory, which was lying closed, was checked and no one was found present there and on checking the same, huge quantity of material, which is used in manufacturing, packing and supplying the liquor was recovered. He has further submitted that as per the allegations in the FIR, the aforesaid factory was taken on lease by Vikram and Pankaj Kumar at the rate of Rs.65,000/- per month and the aforesaid material was taken into police possession. He has further submitted that the co-accused Pankaj Kumar of the present petitioner has been granted the concession of regular bail vide order dated 11.02.2019. He has further submitted that the petitioner is not directly or indirectly involved in the present case and there is no cogent evidence to connect the petitioner with the present case. He has further submitted that no recovery of any incriminating material has been effected from the present petitioner inspite of his police remand for five days. He has further submitted that the present petitioner was arrested in this case on dated 17.11.2021 and the police remand for five days has been obtained by the Investigating Officer and during the said period, no evidence has come on record to connect the present petitioner with the alleged crime. He has further submitted that the present petitioner has been in judicial custody since 22.11.2021 and no useful purpose will be served by keeping the present petitioner in further judicial custody. He has further submitted that the present petitioner has been falsely implicated in the present case. He has thus, prayed that present bail

petition may kindly be allowed.

3. On the other hand, Learned Additional P.P. for the State assisted by HC Balbir Singh has submitted that a secret information was received, whereupon the department of Excise has checked and old factory situated in the area of Gholumajra, where no person was found. He has further argued that during search of the aforesaid premises, the raiding party has recovered 11970 empty plastic bottles, 1,57,000 caps, 8 drums of 200 liters containing spirit, brand labels, holograms, 1156 liter dipred solution, 4900 calibration, empty drums, caramel, 2 kerosene oil cans, 8 cans of 5 liters each of flavor, 2 filling machines for making liquor alongwith other material. He has thus, prayed for dismissal of present bail petition.

4. This Court has heard Learned counsel for the petitioner as well as Learned Additional P.P. for the State and has perused the records with their able assistance.

5. This Court is of the considered opinion that as per the allegations levelled in the present FIR against the present petitioner and his other co-accused, a secret information was received, whereupon the department of Excise has checked and old factory situated in the area of Gholumajra, where no person was found and during search, the raiding party has recovered 11970 empty plastic bottles, 1,57,000 caps, 8 drums of 200 liters containing spirit, brand labels, holograms, 1156 liter dipred solution, 4900 calibration, empty drums, caramel, 2 kerosene oil cans, 8

cans of 5 liters each of flavor, 2 filling machines for making liquor alongwith other material.

6. Furthermore, it has come on record during the course of investigation that no recovery has been effected from the person of the present petitioner. Furthermore, the present petitioner has also suffered custodial interrogation and he is in custody since 17.11.2021 for a period of one month and therefore, no useful purpose will be served by keeping the petitioner in further judicial custody as investigation of the present case is at initial stage qua the present petitioner and conclusion of investigation as well as trial will take up considerable time.

7. In view of reasons discussed herein before, the present bail petition under Section 439 of Cr.P.C. is hereby allowed and the present petitioner is ordered to be released on regular bail in this case on furnishing of bail bonds in the sum of Rs. One Lac with one sound surety in the like amount to the satisfaction of the Learned CJM/Duty Magistrate/Area Magistrate concerned. Investigation record be returned.

8. The opinion expressed herein above shall not be construed as an expression of opinion on the respective merits of the case and the same shall be construed as the opinion expressed for deciding this bail petition only. File be consigned to the record room.

Pronounced in open Court.  
Dated: 20.12.2021

Tajinder Singh

(Parminder Singh Grewal)  
Additional Sessions Judge,  
SAS Nagar.  
UID No. PB-0438

(Parminder Singh Grewal)  
Additional Sessions Judge,  
SAS Nagar (20.12.2021)