

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.22253 of 2015

Date of decision: 13th August, 2015

Gurmail Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. PKS Phoolka, Advocate
for the petitioner.

Mr. C.S. Brar, Dy. Advocate General, Punjab.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Gurmail Singh in this petition filed under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.62 dated 02.06.2015 registered at Police Station SDR Mansa, District Mansa under Sections 61 of the Punjab Excise Act, 1914, are that on 02.06.2015 a Zen car was apprehended whose occupants escaped and out of which 45 boxes of Mota Santra brand of liquor were recovered. The present petitioner is alleged to have been identified by Excise Inspector Surinderpal Singh as one of the occupants of the car.

Contentions of learned counsel for the petitioner Mr.PKS Phoolka, Advocate that the statement of the alleged eye witness has come up after a delay and that the recovery has already been effected could not be controverted by learned State counsel.

Since nothing is to be recovered from the petitioner and that culpability of an offence, if any, shall be determined during the trial, this Court is of the opinion that no useful purpose will be served by sending the petitioner into custody. Thus, in the event of arrest, petitioner is ordered to be released on bail to the satisfaction of the Arresting Officer till submission of report under Section 173 Cr.P.C. (challan). He shall continue to join investigation. Petitioner shall furnish an undertaking that he shall abide by the conditions specified under Section 438(2) Cr.P.C. Thereafter, petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

August 13, 2015
rps