

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-42616 of 2015

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Date of decision:22.12.2015

Rajwinder Singh alias Raja

...Petitioner

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Viranjeet Singh Mahal, Advocate for the petitioner.

Ms. Simsi Dhir Malhotra, Deputy Advocate General, Punjab
for the respondent-State.

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Inderjit Singh, J.

This petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in case FIR No.100 dated 18.11.2015 registered for the offence under Section 61 of the Punjab Excise Act, 1914 (hereinafter referred to as 'the Act') at Police Station Kot Bhai, District Sri Mukatsar Sahib.

Notice of motion to Advocate General, Punjab.

On the asking of the Court, Ms. Simsi Dhir Malhotra, learned Deputy Advocate General, Punjab has put in appearance on behalf of the respondent-State and accepted notice and contested this petition. Police record is also available.

I have heard learned counsel for the petitioner as well as learned Deputy Advocate General, Punjab appearing for the respondent-

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State and have gone through the record.

From the record, I find that the FIR has been registered on the basis of a secret information that Rajwinder Singh alias Rajbir Singh alias Raja on his car had purchased local liquor from the liquor vend on less rates and he has kept that liquor in a room of motor constructed on the land of Kewal Secretary. It is also in the FIR that Khushwinder Singh alias Lakha has taken this land on lease and he further sells the same on higher rates. Believing the information reliable, raid was conducted and 240 bottles of liquor were recovered.

The present petitioner has not been apprehended nor was present on the spot. The land from where the recovery is stated to have been effected as per FIR was on lease with one Khushwinder Singh alias Lakha and owned by one Kewal, Secretary. The recovery has already been effected from the spot. No useful purpose will be served by sending the petitioner to custody as the recovery has already been effected. The petitioner is also not required for custodial interrogation.

Keeping in view the facts and circumstances of the present case, I accept this criminal miscellaneous petition and in the event of arrest, the petitioner shall be admitted to bail on his furnishing personal bonds and surety to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

December 22, 2015.

(Inderjit Singh)
Judge

hsp