

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-2238 of 2016 (O&M)

Date of Decision: 11.04.2016

Bobby

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Munish Bhardwaj, Advocate for the petitioner.

Mr. D.S. Virk, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.148 dated 29.12.2015 under sections 61/1/14 of Excise Act, registered at Police Station, Phase-XI, Mohali.

On 21.1.2016, while issuing notice of motion, the following order was passed by this Court:-

“Counsel would inter alia contend that the alleged recovery of 192 pouches of country made liquor carrying brand Raseela Santra have been recovered not from the petitioner but from the co-accused Krishan Kumar. The petitioner is sought to be implicated only on the basis of a disclosure statement made by the main accused Krishan Kumar, who is stated to have been arrested and thereafter released on regular bail.

Notice of motion, returnable for 11.4.2016.

Petitioner is directed to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section

Learned State counsel upon instructions from ASI Avtar Singh would apprise the Court that the petitioner has since joined investigation. It has gone uncontroverted that the alleged recovery of country made liquor was effected from the co-accused Krishan Kumar.

Under such circumstances, custodial interrogation of the petitioner, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 21.1.2016, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

11.04.2016

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