

Sr. No. 211

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CRM No. M-2952 of 2016 (O&M)  
Date of Decision: 22.04.2016

Vijay Sharma

...Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr.Tarun Vir Singh Lehal, Advocate,  
for the petitioner.

Mr. D.S.Virk, AAG, Punjab.

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**TEJINDER SINGH DHINDSA. J (ORAL)**

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.208 dated 28.12.2015, under Section 61 of Excise Act, registered at Police Station Civil Lines, Batala.

While issuing notice of motion, the following order was passed by this Court on 28.01.2016:-

*"Petitioner seeks concession of pre-arrest bail in case FIR No.208 dated 28.12.2015, under Section 61 of the Excise Act, registered at Police Station Civil Line, Batala, District Gurdaspur.*

*As per prosecution version, the alleged recovery from the premises of a factory owned by one Rajiv Aggarwal is of 39 boxes of liquor.*

*Counsel appearing for the petitioner would inter alia contend that the petitioner has been falsely*

*implicated as he was neither present on the spot and as such, no recovery has been effected from him. It is also the categoric submission made by the counsel that the petitioner has no dealings whatsoever with Rajiv Aggarwal and had never taken the factory premises on rent/lease.*

*Notice of motion, returnable for 22.04.2016.*

*In the meanwhile, 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/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 438(2) Cr.P.C.”*

Learned State counsel upon instructions from HC Balwinder Singh would apprise the Court that the petitioner has since joined investigation and there is no recovery to be effected from him.

Present petition is allowed. Order dated 28.01.2016, passed by this Court, is made absolute.

Disposed of.

**22.04.2016**

vandana

**(TEJINDER SINGH DHINDSA)  
JUDGE**