

CRM-M-33578-2016

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

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Date of Decision: 11.11.2016

Gurbaz Singh @ Mana

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Chetan Chauhan, Advocate for
the petitioner.

Ms. Shivali, AAG, Punjab.

INDERJIT SINGH, J.

Petitioner, Gurbaz Singh @ Mana has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.67 dated 27.08.2016, registered at Police Station Chattiwind, District Amritsar Rural, under Section 61 of the Punjab Excise Act, 1914.

Notice of motion was issued in this case. Learned State counsel put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that the present petitioner was not apprehended at the spot. As per the allegations, 26 plastic cans of alcohol

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were recovered. 180 ml. was separated out as a sample and the remaining alcohol came to be 1040 bottles, containing 750 ml. each bottle and 01 bottle containing 570 ml.

In pursuance of the interim order dated 05.10.2016 passed by this Court, the petitioner has already joined the investigation. He is now not required for custodial interrogation. Recovery has already been effected and now nothing to be recovered.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case and no useful purpose will be served by sending the petitioner to custody, I find merit in this petition and the same is allowed. The order dated 05.10.2016, granting interim bail to the petitioner, is made absolute. However, 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.

11.11.2016

parveen kumar

(INDERJIT SINGH)
JUDGE

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No