

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-39890 of 2015 (O&M)
Date of Decision: 12.01.2016

Bajrang

--Petitioner

Versus

State of Haryana

--Respondent

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

Present:- Mr. Sudhir Kumar, Advocate for the petitioner.

Mr. Vivek Saini, D.A.G., Haryana.

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.349 dated 14.11.2015 under sections 186, 332, 341, 353 of I.P.C and sections 61, 1, 14 of the Punjab Excise Act, registered at Police Station, Adampur.

As per prosecution version, a raid was conducted based on a secret information that the present petitioner is selling illicit liquor from his residence. It has further been alleged that during the course of raid 11 bottles of Aristocrat whisky and 8 bottles of country made liquor were found in the possession of the petitioner. Allegations are also to the effect that the petitioner as also his father had attacked the raid party with the aid of a *lathi* and *gandasi*. Petitioner is stated to have ran away from the spot, even though, he was armed with a *gandasi*.

During the course of arguments today, it has been conceded by learned State counsel that the police party, which had conducted the raid were four in number. On a specific query having been put as regards any of the raiding party police official having suffered injuries, it has been

conceded by learned State counsel, who is being instructed by S.I. Phool Kumar, that no medical examination of any of the official had been conducted.

Under such circumstances, false implication of the petitioner cannot be ruled out.

Petitioner otherwise is stated to have joined investigation.

In the considered view of this Court, custodial interrogation of the petitioner, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 26.11.2015, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

12.01.2016
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