

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

CRM-M No.41927 of 2016.

Date of Decision: 23.11.2016.

Rajesh Goel

....Petitioner.

VERSUS

State of Punjab and others

....Respondents.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Salil Bali, Advocate for the petitioner.

SNEH PRASHAR, J.

The petitioner filed an application for anticipatory bail before learned Sessions Court, Ludhiana. On notice of the application, the State represented by learned Additional Public Prosecutor and Constable Amit Kumar made a statement before learned Additional Sessions Judge, Ludhiana that neither any complaint is pending against the petitioner nor he is required by the police for any purpose. Considering the submissions made on behalf of the petitioner and the State, learned Additional Sessions Judge, Ludhiana finding that the copy of notice produced by counsel for the petitioner had been issued by the Excise and Taxation Department and not by any police officer, dismissed the application of the petitioner as infructuous.

Exactly, on similar grounds, as noticed above, the petitioner has filed the instant petition invoking the provisions of Section 438 and Section

482 of the Code of Criminal Procedure for grant of anticipatory bail.

Learned counsel for the petitioner refers to the notice dated 17.08.2016 issued by the office of Assistant Excise and Taxation Commissioner, Ludhiana to support his contention that the petitioner apprehends of being implicated in some false case at the behest of respondent No.5 Kuldeep Singh by taking help of respondent No.2 A.D.C.P. (Investigation).

The notice (Annexure-P2), which has made the petitioner file the instant petition, has been issued by the Excise and Taxation Officer and not by any police officer and by way of this petition the action of the said officer/ department has not been challenged. As recorded in the order of learned Additional Sessions Judge, neither any case stands registered against the petitioner with the police nor any complaint is pending with them. As such, the petition being devoid of merit is hereby dismissed.

(SNEH PRASHAR)
JUDGE

23.11.2016

jitender sharma

Whether speaking/ reasoned : Yes

Whether Reportable : No