

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

***CRM No.M-43468 of 2015 (O&M)
Date of Decision: 07.01.2016***

Salwinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. Jatinder Pal Singh, Advocate for the petitioner.

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

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TEJINDER SINGH DHINDSA.J.

The present petition has been filed under Section 438 Cr.P.C. seeking the concession of anticipatory bail to the petitioner in case FIR No.174 dated 19.10.2015, under Sections 61/1/14 of the Excise Act, registered at Police Station Guruhar Sahai, District Ferozepur.

Counsel for the parties have been heard at length.

As per prosecution version, secret information was received as regards one Nanak Singh and Pamma ferrying illicit liquor on a motorcycle. Based on such secret information, a trap was laid and Nanak Singh was apprehended on the spot and an alleged recovery of 85 bottles of illicit liquor was effected. The second person is stated to have escaped from the spot.

The present petitioner is sought to be implicated at the instance of Nirmal Kaur, Sarpanch of the village, who has stated that the present petitioner is also known by the name of Pamma.

It is the specific case made out on behalf of the petitioner that Nirmal Kaur is a co-villager and is inimical towards the petitioner as they

had opposed each other during the Panchayat elections. That apart, neither was the petitioner apprehended on the spot nor any recovery was made from him.

Under such circumstances, petitioner is entitled to the concession of pre-arrest bail.

Petition is allowed. Petitioner is, however, directed to join investigation and to appear before Investigating Officer.

In the event of arrest, petitioner be enlarged on interim bail subject to the satisfaction of the Arresting/Investigating Officer on the following conditions as envisaged under Section 438 (2) Cr.P.C.:

(i) that he shall make himself available for interrogation by a police officer as and when required;

(ii) that he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) that he shall not leave India without the previous permission of the Court.

Disposed of.

07.01.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**