

**Sr. No.206
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM No. M- 44334 of 2015 (O&M)

Date of Decision: 17.02.2016

Amit Pal and another

...Petitioners

Versus

State of Punjab

... Respondent

CRM No. M-695 of 2016

Jaspal Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present:- Mr. Gagandeep Singh, Advocate for
Mr. A.S.Manaise, Advocate,
for the petitioner(s).

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

TEJINDER SINGH DHINDSA. J (ORAL)

This order shall dispose of CRM Nos. M-44334 of 2015 titled as Amit Pal and another Vs. State of Punjab and CRM No. M-695 of 2016 titled as Jaspal Singh Vs. State of Punjab as both these petitions filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner(s) in case FIR No. 63 dated 08.09.2015, under Sections 353, 186, 427, 34 of Indian Penal Code and Section 61 of Punjab Excise Act, Police Station Sadar, Gurdaspur, District Gurdaspur.

On 06.01.2016, while issuing notice of motion the following order was passed by this Court in CRM No. M-44334 of

2015:-

“The present petition has been filed under Section 438 Cr.P.C praying for grant of anticipatory bail to the petitioners in case FIR No.63 dated 8.9.2015 registered under sections 353, 186, 427, 34 I.P.C and section 61 of Punjab Excise Act at Police Station, Sadar Gurdaspur, District Gurdaspur.

Counsel would submit that the allegations as per F.I.R are that the present petitioners along with their father were selling liquor from within their residential premises unauthorizedly and upon a raid having been conducted, six sealed bottles of country made liquor were seized.

It has been contended that the petitioners have been falsely implicated only on account of the fact that their father and co-accused namely Jaspal Singh is a former Sarpanch of the village and belongs to a different political party. Furthermore, it has been contended that in the F.I.R there is no mention of any person who was present in the residential premises and to whom the country made liquor was being sold. Counsel would further stress that there is no previous involvement of the petitioners in any proceedings under the Excise Act.

Notice of motion, returnable for 17.2.2016.

In the event of arrest, the petitioners shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioners shall join investigation as and when called upon to do so and they shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Likewise while issuing notice of motion in CRM No. M-695 of 2016, the following order was passed by this Court on 11.01.2016:-

“Notice of motion, returnable for 17.02.2016.

Be listed along with CRM-M No.44334 of 2015.

In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/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 Nirmal Singh would apprise the Court that the petitioners have since joined investigation.

It has gone uncontroverted that the petitioners are not involved in any other case under the said Act.

Under such circumstances, custodial interrogation of the petitioners would not be warranted.

Both these petitions are allowed. Orders dated 06.01.2016 in CRM No. M-44334 of 2015 and 11.01.2016 in CRM No. M-695 of 2016 are made absolute.

Disposed of.

17.02.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**