

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

CRM No.M-44406 of 2015 (O&M)

Date of Decision: 04.02.2016

Pawan Kumar @ Pammi

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. Baljeet Singh Kathuria, Advocate for the petitioner.

Ms. Manpreet Dhaliwal, AAG, Punjab.

....

TEJINDER SINGH DHINDSA.J.

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.138 dated 08.10.2015, under Section 61 of Excise Act, registered at Police Station Sadar Phagwara, District Kapurthala.

As per prosecution version, the petitioner had fled away from a car from which an alleged recovery of 17 cases of liquor without license was effected.

While issuing notice of motion, the following order was passed by this Court on 29.12.2015:-

“Contends that the petitioner was not arrested from the spot and was named at the behest of the co-accused.

Notice of motion for 4.2.2016.

In the meantime, arrest of the petitioner shall remain stayed, subject to the following conditions:-

- 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 prior permission to the Court.”

Learned State counsel upon instructions from ASI Onkar Singh would apprise the Court that the petitioner has since joined investigation. It has also gone uncontroverted that the petitioner is not involved in any other case under the Excise Act. It has further been conceded that even the vehicle/car in question is not in the ownership of the present petitioner.

Under such circumstances, the present petition is allowed.
Order dated 29.12.2015 passed by this Court is made absolute.

Disposed of.

04.02.2016

hemlata

**(TEJINDER SINGH DHINDSA)
JUDGE**