

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

***CRM No.M-615 of 2016 (O&M)
Date of decision: 02.03.2016***

Baljit

... Petitioner

vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Amardeep Sheoran, Advocate for the petitioner.

Mr. Vivek Saini, DAG, Haryana.

...

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.400 dated 09.12.2015, under Sections 61/1/14 of the Excise Act and Sections 420/120-B IPC, registered at Police Station Chandhut, District Palwal.

On 11.01.2016, while issuing notice of motion, the following order was passed by this Court:

“Petitioner seeks concession of pre-arrest bail in case FIR No.400 dated 09.12.2015, under Section 61/1/14 of Excise Act and 420, 120-B IPC, registered at Police Station Chandhut, District Palwal.

As per prosecution version, co-accused Babu Lal was arrested upon having found to be in possession of 7 boxes of Royal Stag whisky, 12 bottles of Officer's Choice and 8 cartons of Besto whisky. The present petitioner is sought to be implicated on the basis that co-accused Babu Lal had named him during the course of investigation and

further that he was the owner of the vehicle in question.

Counsel appearing for the petitioner inter-alia contends that under Section 46 of the Punjab Excise Act, 1940, search could have been made only by notified officer whereas in the present case arrest as also seizure was made by a Head Constable.

Notice of motion, returnable for 02.03.2016.

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 ASI Manoj Kumar would apprise the Court that the petitioner has since joined investigation. That apart, even the observations contained in the notice of motion order have gone un rebutted.

Accordingly, the present petition is allowed. Order dated 11.01.2016 passed by this Court is made absolute.

Disposed of.

02.03.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**