

Sr. No. 217

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-904 of 2016 (O&M)
Date of Decision: 03.03.2016

Gulab Singh

...Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Ms. Harmeet Kaur Sidhu, Advocate,
for the petitioner.

Ms. Anmol Grewal, AAG, Punjab.

TEJINDER SINGH DHINDSA. J (ORAL)

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in case FIR No.78 dated 05.12.2015 under Section 61 of Excise Act, registered at Police Station Jaurkian, District Mansa.

While issuing notice of motion, the following order was passed by this Court on 12.01.2016:-

"Petitioner seeks the concession of anticipatory bail in FIR No.78 dated 05.12.2015 registered under Section 61 of Excise Act at Police Station Jaurkian, District Mansa.

As per prosecution version, the police party had led a nakabandi and one Bolero Camper of Coca Cola colour was intercepted. Out of which two persons are alleged to have been alighted and fled away. The recovery from the vehicle is stated to be 1200 bottles of

country-made liquor.

Counsel would submit that the allegations are completely unfounded. Even as per prosecution version, nakabandi was during the late night hours and the allegations on the face of it are improbable as have been stated by the police officials recognized the present petitioner and also co-accused Gursewak only in the light of torch. It is submitted that it is a clear case of false implication and the petitioner is not involved in any other offence under the Excise Act.

Notice of motion for 03.03.2016.

In the meanwhile, petitioner is directed to appear before Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/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 Amarjeet Singh would apprise the Court that petitioner has since joined investigation and is not required for any custodial interrogation.

Present petition is allowed. Order dated 12.01.2016, passed by this Court, is made absolute.

Disposed of.

03.03.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**