

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-19346 of 2017

.....

Date of decision:1.8.2017

Gursharan Singh

.....Petitioner

v.

State of Punjab

.....Respondent

....

Present: Mr. Sahil Kaushal, Advocate for Mr. Veneet Sharma, Advocate for the petitioner.

Mr. Gaurav Garg Dhuriwala, Senior Deputy Advocate General, Punjab for the respondent-State.

.....

Inderjit Singh, J.

The petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.29 dated 31.3.2017 registered for the offence under Section 61 of the Punjab Excise Act and under Sections 183 and 184 of the Motor Vehicles Act at Police Station Tarsika, Amritsar Rural, District Amritsar.

Notice of motion has been issued in this case.

Mr. Gaurav Garg Dhuriwala, learned Senior Deputy Advocate General, Punjab has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner and learned State counsel and have gone through the record.

As per the prosecution version, on the basis of a secret

[2]

information a vehicle was stopped. All the accused including the petitioner ran away from the spot.

Keeping in view the facts and circumstances of the present case, I find that the recovery has already been effected. 30 Cans of black colour containing 40 litres each alcohol were recovered.

The petitioner has already joined the investigation. He is not required for custodial interrogation. The recovery has already been effected. As per the FIR, nothing has been stated that who had identified the petitioner. No useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 1.6.2017 passed by this Court granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

August 1, 2017.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No