

CRM-M-31922-2017

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

CRM-M-31922-2017

Date of Decision:26.09.2017

Pankaj @ Binder

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Rishu Mahajan, Advocate,
for the petitioner.

Mr. A.P.S.Gill, DAG, Punjab.

INDERJIT SINGH, J. (Oral)

Petitioner-Pankaj @ Binder has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.99 dated 31.05.2017, registered at Police Station Kartarpur, Jalandhar, under Sections 420, 467, 468, 471 and 482 of the Indian Penal Code and Section 61 of the Punjab Excise Act, 1914.

Notice of motion was issued in this case. Learned State counsel has put in appearance on behalf of respondent-State and contested the instant petition.

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

From the record, I find that as per the prosecution version, FIR has been registered on the basis of secret information against the accused

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that he is smuggling and selling the countrymade liquor. He has Maruti Esteem Car etc. and these vehicles are used for illegal activities alongwith fake papers and number plates. The petitioner was not apprehended at the spot.

In pursuance of the interim order dated 30.08.2017 passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. Recovery has already been effected in the present case. Therefore, 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 of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 30.08.2017, 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.

26.09.2017
parveen kumar

(INDERJIT SINGH)
JUDGE

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