

**CRM-M-21534-2018 and
CRM-M-27184-2018**

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

Date of Decision: 27.08.2018

1. CRM-M-21534-2018

Butty @ Bir Singh

... Petitioner

Versus

State of Punjab

... Respondent

AND

2. CRM-M-27184-2018

Vijay Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Sumeet Singh Brar, Advocate,
for the petitioner in CRM-M-21534-2018.

Mr. Naresh Jain, Advocate,
for the petitioner in CRM-M-27184-2018.

Ms. Monika Jalota, DAG, Punjab.

INDERJIT SINGH, J. (Oral)

This order shall dispose of CRM-M-21534-2018, filed by

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petitioner-Butty @ Bir Singh and CRM-M-27184-2018, filed by petitioner-Vijay Kumar, under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.49 dated 14.04.2018, registered at Police Station Canal Colony, Bathinda, District Bathinda, under Section 61 of the Punjab Excise Act, 1914.

Notice of motion was issued in both these petitions. Learned State counsel put in appearance on behalf of the respondent-State and contested these petitions.

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

From the record, I find that as per the FIR, three persons were coming in a car near Badal Crossing. When a signal was given to stop them, then driver of the car once slowed down the car and again tried to run towards Badal Road. Thereafter, when the police party chased the car, it struck with the divider of the bridge. The driver of the car and boy sitting on his adjoining seat succeeded in running away from the spot. However, 09 boxes containing 12 bottles weighing 750 ml. each of countrymade liquor make 'Panipat Malta' and 29 boxes containing 12 bottles weighing 750 ml. each of countrymade liquor make 'Sehnai' were recovered from the car. Co-accused Gurpreet Singh was apprehended on the spot, who named the present petitioners.

In pursuance of the interim orders dated 24.05.2018 passed in CRM-M-21534-2018 and dated 05.07.2018 passed in CRM-M-27184-2018 by this Court, the petitioners have already joined the investigation. They are

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stated to have fled away from the spot. They are now not required for custodial interrogation. Recovery has already been effected. Therefore, no useful purpose will be served by sending them 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 both these petitions and the same are allowed. The orders dated 24.05.2018 passed in CRM-M-21534-2018 and dated 05.07.2018 passed in CRM-M-27184-2018, granting interim bail to the petitioners, are made absolute. However, the petitioners 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.

27.08.2018

parveen kumar

**(INDERJIT SINGH)
JUDGE**

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