

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

**CRM-M-26624-2018
Date of decision:30.10.2018**

Kashmir

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. H.R. Bhardwaj, Advocate for
Mr. Gagandeep Bhagria, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab
assisted by ASI Ajaib Singh.

GURVINDER SINGH GILL, J. (ORAL)

The petitioner seeks grant of anticipatory bail in respect of
FIR No.84 dated 11.05.2018, under Sections 61 of Excise Act, Police
Station City Sunam, Sangrur.

The allegations in nut-shell are that on receipt of secret
information, a vehicle bearing registration No.HR-23-C-1107 was
apprehended and from which 540 bottles of liquor meant to be sold in
Haryana were recovered. It is alleged that the petitioner, who was driving
the vehicle however managed to flee away from the spot.

Learned counsel for the petitioner submitted that the
petitioner has been falsely implicated in the present case and falsity would
be evident from the fact that despite prior information, he was not arrested

at the spot and is stated to have been fled despite the fact that there were several policemen at the spot.

On the other hand learned State counsel while opposing the petition has however informed this Court that the petitioner has already joined investigation pursuant to interim directions dated 31.07.2018.

Having regard to the facts and circumstances of the case and bearing in mind that the petitioner was not arrested at the spot and has already joined investigation, I do not find that it to be case of custodial interrogation. Accordingly the petition is accepted and the interim directions issued vide dated 31.07.2018 by this Court are hereby made absolute subject to the condition that the petitioner would appear before Investigating Officer as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

The petition is accepted in the above mentioned terms.

**(GURVINDER SINGH GILL)
JUDGE**

30.10.2018
Gaurav Sorot

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**