

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

CRM-M-28504-2018 (O&M)

Date of Decision:-8.10.2018

Happy Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Parminder Singh Sekhon, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Assistant Advocate General, Punjab.

GURVINDER SINGH GILL, J.(Oral)

The petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.72 dated 22.5.2018 under Sections 61/1/14 of Punjab Excise Act, 1914 and Section 483 of Indian Penal Code, 1860 at Police Station Lehra, District Sangrur.

The allegations, in nutshell, are that on the day of occurrence recovery of 168 bottles of Haryana made country made liquor namely 'Malta' (Haryana) was effected from a car bearing registration No.PB-02-AB-0815. It is the case of prosecution that the petitioner, however, managed to escape while leaving the car on the spot, which was also found to be bearing a forged registration number.

Notice of this petition was issued to the State.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that he was neither arrested at the spot nor was identified and that it was subsequently on

the basis of secret information that the petitioner is stated to have been identified.

On the other hand, the learned State counsel has submitted that there are other cases registered against the petitioner for offences under Sections 294 and 160 of Indian Penal Code, 1860 and under Narcotic Drugs and Psychotropic Substances Act, 1985 and that in these circumstances, the petitioner does not deserve the concession of bail. The learned State counsel, upon instructions from Head Constable Amritpal Singh, who is present in Court, has, however, informed the petitioner has since joined investigation

Having regard to the facts and circumstances of the case and also that the petitioner was not arrested at the spot and was not identified at the spot and also that the petitioner has since joined investigation, the present petition is hereby accepted and the interim directions issued by this Court vide order dated 11.7.2018 are hereby made absolute subject to the condition that the petitioner shall appear before the Investigating Officer as and when directed.

This present petition stands accepted accordingly.

8.10.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether reasoned/speaking Yes / No

Whether reportable Yes / No