

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

CRM-M-28923-2018 (O&M)

Date of Decision:-24.9.2018

Amit Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sumeet Puri, Advocate, for the petitioner.

Mr. A.S. Sandhu, Additional 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.83 dated 15.5.2018 under Sections 61/1/14 of Punjab Excise Act at Police Station City, Dhuri, District Sangrur.

It is the case of the prosecution that secret information was received by the police that Rahul Atwal and Amit Kumar @ Muna indulged in selling countrymade liquor in Punjab after smuggling the same from Haryana and that they were on their way in an Innova Car bearing registration No.PB-11-CB-9324 from Haryana from the side of Manwala and that in case barricading is raised then they can be caught red handed. It is further the case of the prosecution that pursuant to receipt of aforesaid information, barricading was raised and Rahul Atwal was apprehended, who came in the aforesaid Innova Car, which contained 276 bottles of country made liquor meant for sale in Haryana. It is further the case of the prosecution that during the course of interrogation, he disclosed that Amit Kumar facilitated in smuggling the country made liquor from Haryana.

Notice of motion was issued to the State.

The learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that he was never arrested with the contraband and is sought to be implicated solely on the statement of the co-accused.

On the other hand, the learned State counsel has submitted that since the secret information was very categorical, wherein the name of the petitioner figures specifically, no case is made for grant of anticipatory bail to the petitioner.

Having heard the learned counsel for the petitioner and also the learned State counsel and bearing in mind the fact that the petitioner was not arrested at the spot, in my opinion it is a fit case for grant of anticipatory bail. The petition, as such, is accepted and in the event of arrest, the petitioner shall be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation 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 present petition stands disposed of accordingly.

24.9.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No