

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-33824 of 2018
Date of Decision: 04.09.2018

Tarun Mehta

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Anurag Jain, Advocate
for the petitioner.

Mr. Amitoj Singh Dhaliwal, DAG, Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.53 dated 07.06.2018 registered for the offence punishable under Section 61 of the Punjab Excise Act, 1914, at Police Station Boha, District Mansa.

Heard.

Learned State counsel on instructions from ASI Balbir Singh submits that there was secret information against the petitioner that he is indulging in sale of liquor issued for sale in the State of Haryana only by smuggling it to Punjab State to fetch better price. On 07.06.2018, the police party had received a secret information that petitioner was bringing consignment of liquor for sale in the State of Punjab. However, he did not accompany the driver or was present when recovery of 960 bottles of country made liquor was effected in this case.

Learned counsel for the petitioner submits that the petitioner is

a licenced vendor of liquor in State of Haryana and is paying excise duty to State Exchequer to the tune of ₹22 crores per annum. It was because of ulterior reasons that he has been falsely implicated in this case.

Admittedly, no recovery has been effected from the petitioner. Allegations against him are only based on secret information and statements of some witnesses recorded by the police, which requires to be looked into during investigation, for which his custodial interrogation is not required.

Keeping in view above facts, this petition is allowed and petitioner is directed to surrender before the police and join investigation within two weeks. In the event of his arrest being required, he shall be released on anticipatory bail, subject to his furnishing bonds to the satisfaction of Arresting Officer. However, he shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which he shall lose the benefit of interim bail allowed to him. In the event of petitioner not surrendering before the investigating officer within two weeks, this order allowing him interim bail shall stand withdrawn automatically.

September 04, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No