

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-40676-2017(O&M)

Date of Decision: 24.01.2018

Paramjit Kumar @ Pamma

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. D.R. Punia, Advocate for the petitioner.

Mr. S.S. Sandhu, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J (Oral)

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.160 dated 4.9.2017 under sections 61, 78 of the Punjab Excise Act, registered at Police Station, Ladhowal, District Ludhiana.

On 31.10.2017, while issuing notice of motion, the following order was passed by this Court:-

“Prayer in the instant petition filed under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioner in case FIR No. 160 dated 04.09.2017 registered under Section 61/78 of the Punjab Excise Act, 1914, at Police Station Ladhowal, District Ludhiana.

According to the prosecution, on receipt of secret information, a car bearing registration No. CH-03-N-5428, was intercepted and 20 boxes of liquor mark Dollar Rum and 4 boxes of other liquor were recovered without any permit or licence. Co-accused Rakesh Kumar @ Manni was apprehended at the spot, whereas the petitioner succeeded in fleeing away.

Learned counsel for the petitioner inter alia contends that the petitioner was not apprehended at the spot

and nothing has to be recovered from him. The alleged recovery of liquor was effected from co-accused, namely; Rakesh Kumar @ Manni.

Notice of motion for 24.01.2018.

In the meanwhile, the petitioner is directed to join investigation as and when called by the Investigating Officer. In the event of arrest, he shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. He shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned State counsel upon instructions from ASI Naresh Kumar would apprise the Court that the petitioner has since joined investigation. Even the observations contained in the notice of motion order have gone un rebutted. Even though, State counsel submits that the petitioner was involved in two other FIRs under the Punjab Excise Act but in the same breath it has been conceded that he has since been acquitted in both the cases.

In view of the above, the present petition is allowed. The order dated 31.10.2017, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

24.01.2018
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No