

CRM-M-47161-2018

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

CRM-M-47161-2018

Date of Decision: 30.10.2018

Harjinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Ravi Malhotra, Advocate,
for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

INDERJIT SINGH, J. (Oral)

Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.95 dated 16.09.2018, registered at Police Station Haryana, District Hoshiarpur, under Section 61 of the Punjab Excise Act, 1914.

Notice of motion was issued in this case. Learned State counsel has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as learned State counsel and gone through the record.

CRM-M-47161-2018

From the record, I find that recovery of huge quantity of countrymade liquor was effected from a truck. Co-accused, who was driver of truck was apprehended at the spot. The present petitioner is stated to have fled away from the spot.

Learned counsel for the petitioner submits that none of the police officials has identified the petitioner and he has been nominated only on the basis of disclosure statement of co-accused, who will not come to the witness-box to prove the identity of the petitioner.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find that the petitioner is not required for custodial interrogation and no useful purpose will be served by sending him to custody. Therefore, finding merit in the present petition, the same is allowed. It is ordered that in the event of arrest, the petitioner be released on bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

30.10.2018

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Note: Whether speaking/reasoned : Yes
Whether reportable : No