

CRM-M-49691-2018

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

CRM-M-49691-2018

Date of Decision: 29.11.2018

Dhalwinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Premjit Singh Dhaliwal, Advocate,
for the petitioner.

Ms. Monika Jalota, 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.105 dated 15.10.2018, registered at Police Station City Raikot, District Ludhiana Rural, 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.

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From the record, I find that FIR, in the present case, has been registered on the basis of secret information. As per the prosecution version, the police party laid picket at Barnala Road Chowk and signalled a Canter to stop. However, occupants of the vehicle succeeded to escape due to darkness after leaving the vehicle there. In the present case, recovery of 400 cases of licit liquor has been effected.

Learned counsel for the petitioner submits that there is nothing in the FIR that anybody had identified the accused.

In pursuance of interim order dated 14.11.2018 passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. Recovery has already been effected. Therefore, no useful purpose will be served by sending the petitioner to custody.

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 merit in this petition and the same is allowed. The order dated 14.11.2018, granting interim bail to the petitioner, is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

29.11.2018

parveen kumar

**(INDERJIT SINGH)
JUDGE**

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