

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

CRM-M-3769-2019  
Date of decision:2.5.2019

Avtar Singh

....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL**

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

Mr. Randhir Singh Thind, DAG, Punjab.

**GURVINDER SINGH GILL, J. (ORAL)**

1. The petitioner seeks grant of anticipatory bail in respect of FIR No.82 dated 12.12.2018 under Sections 61/1/14 of Punjab Excise Act, Police Station Rawalpindi, District Kapurthala.
2. The allegations in nut-shell are that a secret information was received by the police to the effect that Avtar Singh (petitioner) was proceeding from Chandigarh towards Focal Point Rihana Jatta in his car bearing No.PB-07-AZ-7475 along with Tempo 407 bearing No.PB-13-AR-0732 which was being driven by Gurpreet Singh @ Gupta and also along with Tata Tanker No.PB-46-E-9971, which was being driven by Balhar Singh and that there was heavy quantity of liquor in the said vehicles. Pursuant to receipt of said information barricading was held and the vehicles in question were signalled to stop. While Gurpreet Singh who was driving Tempo

407 bearing No.PB-13-AR-0732 was apprehended at the spot, the occupants of the Swift car and Tata Tanker were able to flee away. A search of the vehicles led to recovery of 255 boxes of liquor from tempo, 20 boxes from Swift car and 300 boxes from Tata Tanker. Further a search of the Swift car led to recovery of the registration certificate in the name of Surinder Kaur mother of the petitioner and also a PAN card of the petitioner.

3. The learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that since he was neither arrested at the spot nor any recovery was effected from him, he cannot be held liable for the said offence.
4. Opposing the bail application, learned State counsel has submitted that apart from the present case, the petitioner is involved in 14 other cases but no other case under Excise Act is pending against the petitioner. It is however, informed that the petitioner has since joined investigation.
5. Having regard to the facts and circumstances of the case and especially that the petitioner was not arrested at the spot and has already joined investigation, I find that it is a fit case for grant of anticipatory bail. The petition as such, is accepted. Accordingly the petition is accepted and the interim directions issued vide dated 28.01.2019 by this Court are hereby made absolute subject to the condition that the petitioner would appear before Investigating Officer 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.

6. The petition is accepted in the above mentioned terms.
7. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

**( GURVINDER SINGH GILL )  
JUDGE**

2.5.2019  
Gaurav Sorot

Whether reasoned / speaking?      **Yes / No**

Whether reportable?      **Yes / No**