

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-4087-2019 (O & M)

Date of Decision: 03.04.2019

KAMALDEEP SINGH AND ANR

.....PETITIONERS

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.S.S.Sarwara, Advocate for the petitioners.

Ms. Bhavna Gupta, DAG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

Present petition is filed for grant of anticipatory bail in case bearing FIR No.133 dated 28.12.2018 registered under Sections 61/1/14 of Excise Act, 1914 at Police Station Balongi, District SAS Nagar.

The allegations in the FIR are that when Nakabandi was conducted near the old Tax Barrier Balaungi at about 2 AM, a car was coming towards the barrier and when the police signalled the car to stop, the driver of the car had stopped the car 8-10 feet from the nakabandi. The driver and occupant of the car fled away. The car was taken into possession and during search 15 cartons of whiskey were found above the rear empty seat and 15 cartons of whiskey were from the boot. The recovered whiskey was made at plot No.145 Industrial Area Phase-1 Chandigarh on which 'for sale in UT Chandigarh' was inscribed.

Learned counsel for the petitioners states that the petitioners were neither apprehended from the spot nor are they named in the FIR.

A coordinate Bench of this Court, by the order dated 07.02.2019, had directed the petitioner to appear before the Investigating Officer and join the investigation and in the event of their arrest, they were ordered to be released on interim bail to the satisfaction of the Investigating/Arresting Officer, subject to the conditions envisaged under Section 438(2) Cr.P.C.

Learned State counsel, on instructions from SI Bhupinder Kumar, states that the petitioners have joined investigation and are not required for custodial interrogation.

In view of the submissions of learned counsel for the petitioners and keeping in view the fact that the petitioners have joined the investigation, the order dated 07.02.2019 granting interim bail to the petitioners is made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C. They shall also join investigation as and when called upon to do so.

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

April 03, 2019

A.Kaundal

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No