

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-7162-2019 (O&M)
Date of Decision:-20.5.2019

Amit Rishi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amardeep Singh Gill, Advocate for the petitioner.

Ms. Rashmi Attri, Assistant Advocate General, Punjab.

GURVINDER SINGH GILL, J.(Oral)

The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.4 dated 9.1.2019 at Police Station Sadar Jalandhar under Sections 61/78 of Punjab Excise Act, 1914.

The FIR came to be registered on the basis of secret information to the effect that the petitioner Amit Rishi and Ganesh Kumar indulged in sale of liquor after bringing the same from other States.

Pursuant to receipt of the said information, a raid was conducted and two persons were found sitting in 'Innova Car' bearing registration No.PB-10-BX-0060. Although, the driver of the car tried to speed away the vehicle, but the vehicle was chased and was apprehended. The driver disclosed his name as Ganesh Kumar. However, the person sitting on the adjoining seat managed to escape. The search of the vehicle yielded recovery of 40 boxes of liquor.

It is further the case of prosecution that driver Ganesh Kumar disclosed that the person who had escaped was Amit Rishi.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that the petitioner was neither arrested from the spot and nor the vehicle in question belongs to him.

Opposing the petition, the learned State counsel has submitted that since the petitioner is specifically named in the FIR and his name has also been disclosed by co-accused i.e. the driver Ganesh Kumar and was also identified by one of the member of police party, no case for grant of bail is made out. It has, however, been informed that the petitioner has since joined investigation.

Having considered rival submissions addressed before this Court and bearing in mind the nature of offence and that the petitioner was not arrested at the spot and has already joined investigation, in my opinion, it is fit case for grant of bail. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 15.2.2019 are hereby made absolute subject to the condition that the petitioner shall join investigation 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.

The present petition stands accepted accordingly.

20.5.2019

pankaj

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No

(Gurvinder Singh Gill)
Judge