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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7963-2019

Date of decision-11.04.2019

Nitin

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rishu Mahajan, Advocate for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab assisted by
HC Dharam.

MANOJ BAJAJ, J.

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.59 dated 16.05.2018 registered under Section 61 of Excise Act 1914, at Police Station Kathgarh, SBS Nagar.

On 22.02.2019, this Court had passed the following order:-

“Prayer is for grant of anticipatory bail in FIR No.59 dated 16.5.2018 under Section 61 of the Excise Act, registered at P.S Kathgarh, SBS Nagar.

The allegations in the FIR are that a vehicle bearing PB-08-CP-9284 was intercepted at nakabandi. The occupants of the vehicle fled away. From the said vehicle, 55 boxes of liquor make Royal Arms Whiskey for sale in Chandigarh only, 18 boxes of liquor make Hi Speed Whiskey for sale in Chandigarh only and 02 boxes of liquor make Everyday Prestige Whiskey for sale in Chandigarh were recovered.

Learned counsel for the petitioner contends that no person was apprehended at the spot. The vehicle in

question does not belong to the petitioner and that he had purchased the same from Sarabjit Lal on 31.10.2015 on the basis of an affidavit (P.3) and further sold it to one Arvinder Singh on 17.4.2018 about a month before the alleged incident. The petitioner, accordingly, had no concern with the said vehicle.

Notice of motion for 01.4.2019.

Meanwhile, in the event of arrest, the petitioner shall be released on interim anticipatory bail to the satisfaction of the Arresting/Investigating Officer, subject to the conditions provided under Section 438 (2) Cr.P.C. The petitioner is also directed to join the investigation and cooperate with the Investigating Agency, as and when required.”

Learned counsel for the petitioner contends that in pursuance of the order dated 22.02.2019 the petitioner has joined the investigation.

Learned State counsel on instructions from HC Dharam submits that the petitioner has joined the investigation and he is not required for custodial interrogation.

In view of the above, the interim bail granted by this Court vide order dated 22.02.2019 is made absolute.

The petition stands allowed.

(MANOJ BAJAJ)
JUDGE

11.04.2019

vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No