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CRM-M-46026-2018 (O&M)

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

CRM-M-46026-2018 (O&M)

Date of decision:17.01.2019

Deepak and others

....Petitioners

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Sandeep Jasuja, Advocate
for the petitioners.

Ms. Simranjeet Kaur, AAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of anticipatory bail in respect of FIR No.82 dated 22.08.2018 under Section 61 of Punjab Excise Act, 1914 and under Section 78 of Excise Act, 1914, Police Station City-II, Abohar.
2. The FIR was lodged on the basis of secret information received by the police to the effect that Jaspreet Singh @ Chintu and Sandeep Singh @ Fauji indulge in supplying of country made liquor after bringing the same from Haryana and they sell it in Punjab. Pursuant to receipt of said information barricading was laid and a Canter Vehicle bearing

registration No.PB-22R-0871 was apprehended from which 480 boxes of country made liquor (Haryana First Choice) was recovered. However, none was apprehended at the spot. Subsequently it was on the statement of Punjab Singh driver of the Canter, that the present petitioners were nominated as the persons who had hired the truck for transportation of the liquor in question.

3. The learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in the present case and there is no concrete evidence to connect them with the alleged recovery of 480 boxes of recovered liquor.
4. Learned State counsel while opposing the bail application has submitted that since co-accused namely Punjab Singh who was driving the Canter has specifically named the petitioners, no case for grant of anticipatory bail is made out.
5. Having considered the rival contentions addressed before this Court and also bearing in mind that the petitioners were not arrested at the spot, in my opinion it is a fit case for grant of anticipatory bail to the petitioners. Accordingly the petition is accepted and the interim directions issued vide dated 17.10.2018 by this Court are hereby made absolute subject to the condition that the petitioners 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. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

17.01.2019
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No