

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49139-2018

Date of Decision: 12.03.2019

Sanjay Kumar

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Raman Goklaney, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

...

Inderjit Singh, J. (Oral)

Petitioner Sanjay Kumar has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.118 dated 18.10.2018, registered at Police Station City Fazilka, District Fazilka, under Section 61 of the Punjab Excise Act, 1914.

Notice of motion was issued.

Learned State counsel has appeared on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

As per the prosecution version, recovery of 120 bottles of liquor make First Choice, 36 bottles of make Malta, English Whisky and 5 boxes of country made liquor was effected from the car No. DL-1CR-860. The petitioner was not arrested from the spot.

In pursuance of the interim order dated 02.11.2018, passed by this Court, the petitioner has already joined the investigation. He is not

required for custodial interrogation. Recovery has already been effected. No useful purpose would be served by sending him to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 02.11.2018, granting interim bail to the petitioner, is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

12.03.2019
Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No