

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. CRM-M-23265 of 2019
Date of Decision: 16.10.2019

Sachin Sharma

....Petitioner

VERSUS

State of Punjab

....Respondent

2. CRM-M-26163 of 2019

Shashank @ Shashang @ Shanky

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Naveen Sharma, Advocate
for the petitioners in both the petitions.

Mr. Avtar Singh Sandhu, Addl. A.G. Punjab.

SURINDER GUPTA, J.(Oral)

Present petitions have been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to petitioners in case FIR No.37 dated 03.05.2019 registered for offences punishable under Sections 61 (i) (a) of Punjab Excise Act, 1914 and 420 of Indian Penal Code, at Police Station Daresi, District Ludhiana.

Heard.

As per case of prosecution, 61 cartons of liquor out of which 19 were for sale in Haryana, 26 for sale in Arunachal Pradesh and 16 without any mark, were recovered from one car bearing registration no. PB-54C-7464.

Learned State counsel on instructions from ASI Bhupinder

Singh submits that petitioners have joined the investigation. He, however, submits that police had secret information against petitioners and other accused and require their custodial interrogation to enquire about the source of liquor. About the ownership of aforesaid car he submits that the police is still investigating the matter and has not collected any evidence that petitioners are owner of the car.

Petitioners have joined the investigation, which is still in progress. The police is in the process of collecting evidence to connect petitioners with recovery of liquor.

Keeping in view above facts but without expressing any opinion on the merits of the case, these petitions are allowed and orders dated 21.05.2019 and 06.06.2019 passed in respective petitions are made absolute till the presentation of challan, subject to the following terms:-

- (i) that petitioners shall make themselves available for interrogation by the police as and when required;
- (ii) that petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against them so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that petitioners shall not leave India without the prior permission of the Court.
- (iv) that petitioners will seek regular bail on the presentation of challan in Court.

October 16, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No