

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

CRM-M-24826-2019
Date of decision:2.7.2019

PARDEEP KUMAR @ SONU

....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. S.K. Choudhary, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of anticipatory bail in respect of FIR No.33 dated 12.4.2019 under Section 61 of Excise Act, Police Station Division No.2, District Pathankot.
2. It is the case of prosecution that a secret information has been received to the effect that petitioner Pardeep Kumar @ Sonu is indulging into sale of liquor illegally and that he had taken quarter No.255 in Railway Colony on rent, which is in the name of Chaman Lal and had stored huge quantity of liquor in the said premises. Pursuant to receipt of aforesaid information, raid was conducted at the nominated premises and 264 bottles of liquor were recovered. It is further case of prosecution that although petitioner managed to run away from the spot but was identified.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and was not present at the spot. It has further been submitted that even the premises from where the recovery is stated to have been effected is in the nature of small quarter allotted to Chaman Lal, who is employee of Railways Department and that the petitioner has nothing to do with the said premises and has thus prayed for grant of anticipatory bail.
4. Opposing the petition, learned State counsel has submitted that during the course of investigation it had surfaced that the petitioner had orally taken the premises in question on rent from Chaman Lal who had been allotted the premises by the Railways Department. It is further submitted that one more case under Excise Act pertaining to recovery of 12 bottles was also registered earlier against the petitioner and in that in these circumstances, no case for grant of anticipatory bail is made out.
5. Having regard to the facts and circumstances of the case and bearing in mind the fact that the petitioner was not arrested at the spot, it would certainly be debatable as to whether the petitioner indeed can be attributed conscious possession of aforesaid liquor since the premises from where it was recovered was allotted to Chaman Lal. In my opinion, it is not a case where custodial interrogation is warranted. The petition as such, is accepted. In the event of arrest of the petitioner, he shall be released on bail subject to his furnishing personal bonds and surety bonds to the

satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the 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.

6. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

2.7.2019
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**