

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

(I)

CRM-M-27299-2019 (O&M)

Date of Decision:- 22.7.2019

Gaurav Sharma @ Gaggi

... Petitioner

Versus

State of Punjab

... Respondent

(II)

CRM-M-27303-2019 (O&M)

Davinder Singh @ Moni

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Yashpal Thakur, Advocate, for the petitioner(s).

Ms. Amarjit Kaur Khurana, Sr. DAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned two petitions wherein petitioner Gaurav Sharma @ Gaggi and Davinder Singh @ Moni, have approached this Court seeking grant of anticipatory bail in respect of a case registered against them vide FIR No.71, dated 9.6.2019, registered at Police Station Longowal, District Sangrur, under Section 61 and 78 of the Punjab Excise Act.

2. The FIR was registered on the basis of a secret information to the effect that Davinder Singh @ Moni, Gaurav Sharma @ Gaggi and Satbir Singh, indulged in sale of country made liquor which they procured from State of Haryana and sell at higher rates in the State of Punjab.
3. Pursuant to receipt of the aforesaid information, barricading was raised and a car bearing registration No. PB-11CN-5402 was apprehended. While one person namely Satbir Singh, who was driving the vehicle was apprehended at the spot, the other two persons managed to escape. Search of the vehicle yielded recovery of 300 bottles of country made liquor.
3. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in the present case and that they were never arrested at the spot and that although they are stated to be named in the FIR but they were never identified by anyone at the spot and are sought to be implicated on the basis of a disclosure statement made by co-accused Satbir Singh.
4. Opposing the petition(s), learned State counsel has submitted that since both the petitioners are specifically named in the FIR and are involved in as many as 5 other identical cases, no case for grant of anticipatory bail is made out.
5. Having considered rival submissions addressed before this Court and while bearing in mind that the petitioners were not arrested at the spot and have since joined investigation, the petitions, as such, are accepted and interim directions issued vide order dated 25.6.2019 are

made absolute subject to the condition that the petitioners shall appear and join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

6. The present petitions stand accepted accordingly.

July 22, 2019
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(GURVINDER SINGH GILL)
JUDGE

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