

**PUNJAB AND HARYANA HIGH COURT
CHANDIGARH**

212

CRM-M-33917-2019

Date of decision : 31.10.2019

Sanjeev Kumar @ Lucky

Petitioner.....

V/s

State of Punjab

Respondent.....

CORAM : HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Jitender Singh Dadwal, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, D.A.G. Punjab.

ARUN KUMAR TYAGI, J. (Oral)

Prayer in the petition is for grant of anticipatory bail to the petitioner in case FIR No.212 dated 02.11.2018 registered under Section 61 of the Punjab Excise Act, 1914 at Police Station Mandi, Gobindgarh, District Fatehgarh Sahib.

Notice of motion was issued vide order dated 22.08.2019 and the petitioner was granted interim bail vide order dated 27.08.2019.

Learned State Counsel has appeared on behalf of the respondent-State and opposed the bail application.

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

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the case. The petitioner was not apprehended on the spot. The alleged recovery does not relate to the petitioner. The petitioner joined investigation in compliance with order dated 27.08.2019 passed by this court. No recovery remains to be made and his custodial interrogation is not necessary.

On the other hand, learned State Counsel has argued that the petitioner was driver of the Canter which was importing heavy quantity of liquor to the State and the petitioner has not disclosed address of Harman @ Pargat main accused involved and he has not handed over R.C of the canter and his driving licence and custodial interrogation is necessary for proper investigation of the case in this regard.

The petitioner joined investigation in compliance with order dated 27.08.2019 passed by this Court. The address of main accused Harman @ Pargat can be ascertained and R.C. of the canter and driving licence of the petitioner can be seized by the Investigating Officer by joining the petitioner in investigation and custodial interrogation of the petitioner for that purpose is not required particularly so when no further recovery of any incriminating article remains to be made.

In view of the facts and circumstances of the case, but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the concession of anticipatory bail. Therefore, the petition is allowed and order dated 27.08.2019 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C.

(ARUN KUMAR TYAGI)
JUDGE

31.10.2019

Rajeev (rvs)

Whether speaking/reasoned	Yes
Whether reportable	No