

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

215

CRM-M-40963 of 2019

Date of Decision: October 03, 2019

Sumit Kumar Pandey @ Mani

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MANOJ BAJAJ

Present: Mr. Himanshu Puri, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.151 dated 29.08.2019 under Section 61(1) Excise Act, 1914, registered at Police Station Sadar Kapurthala, District Kapurthala. The petitioner apprehended his arrest at the hands of Police.

Learned counsel for the petitioner contends that the FIR in question was recorded on the statement of ASI Arjan Singh, wherein it was alleged that the recovery of 08 boxes of liquor make Bottoms Up Whiskey-For sale in Chandigarh only i.e. total 96 bottles of 750ml each, was effected on the basis of secret information received by him, from the Swift Car bearing no.PB-09-AH-5123 in the area of Dhuake Nishan Turn, Main G.T. Road, Police Station Sadar, Kapurthala, however the accused person managed to escape from the spot. The said allegations led to the registration of the present FIR.

Learned counsel for the petitioner contends that the petitioner has been

falsely implicated in the present case and the vehicle in question belongs to his father. He further contends that the petitioner was not arrested at the spot and the recovery has already been effected. Learned Counsel submitted that since the investigation is complete, therefore, custodial interrogation of the petitioner is not required.

Learned State counsel who is assisted by ASI Sukhdev opposes the prayer.

Considering the above, it is ordered that in the event of arrest of the petitioner by the Arresting Officer, he shall be released on bail subject to his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall join investigation as and when called for by the Investigating Officer. The petitioners shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.

The petition is allowed.

October 03, 2019

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[MANOJ BAJAJ]

JUDGE

Whether speaking/reasoned :

Yes/No

Whether Reportable :

Yes/No