

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

**CRM-M No.42940 of 2019 (O & M)
Date of Decision:-13.11.2019**

Balwinder Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Munish Puri, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

MANOJ BAJAJ J.(Oral)

CRM-33548-2019

Allowed as prayed for.

CRM-M-42940-2019

Petitioner-Balwinder Kumar has filed the present petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.52 dated 21.7.2019, under Section 61(1) of Punjab Excise Act, 1914, registered at Police Station Shahpur Kandi, District Pathankot.

The FIR was recorded on the statement of Inderbir Singh Randhawa, Excise Inspector, Pathankot, wherein it was alleged that Balwinder Kumar alias Kalu (petitioner) being in the illegal business of selling liquor, was bringing liquor from Pathankot side towards village Harial in a car bearing Registration No.PB-35D-7183 make Tata Santro colour Grey. A naka was made and the police

started checking the vehicles coming from Pathankot side. After some time, a car bearing aforesaid registration number was seen coming from Pathankot side and when the police signaled to stop the car, the driver of the car stopped the vehicle at once and after alighting from it, he jumped in the ditch in order to save himself. The said driver suffered injuries on various parts of his body. He was apprehended and on search of the car, 10 boxes of Naina XXX Rum was recovered.

Learned counsel for the petitioner contends that the FIR was registered on the basis of secret information and as per prosecution, the petitioner, while attempting to run away, fell in a ditch and suffered injuries. He submits that the petitioner has not been arrested in this case.

Learned State counsel, assisted by ASI Raghubir has not disputed the fact that the petitioner was brought to the hospital by the police and was not arrested. According to him, after discharge from the hospital, the petitioner has not joined the investigation.

Considering the above and the fact that recovery has already been effected, the petition is allowed. In the event of arrest, the petitioner is ordered to be released on bail to the satisfaction of the Arresting Officer/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

November 13, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No