

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

Crl. Misc. No.M-47539 of 2019(O&M)

Date of Decision: December 04, 2019

Satwinder Singh

.....PETITIONER

VERSUS

State of Punjab

....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Mikhail Kad, Advocate for the petitioner (s).

Mr. Rakeshinder Singh Sidhu, A.A.G, Punjab.

SURINDER GUPTA, J. (Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 250 dated 29.08.2019 registered for the offences punishable under Section 61 of Excise Act and 279, 427 of Indian Penal Code at Police Station Bhawanigarh, District Sangrur.

Heard.

As per case of the prosecution, 120 bottles of country made liquor was recovered from vehicle bearing Registration No.CH-01-AJ-9120 owned by Gurpreet Singh.

Learned State counsel submits that during investigation, Gurpreet Singh apprised the police that his car was taken by one Avinash, who has been arrested in this case. He (Avinash) suffered a disclosure statement that he had gone with petitioner to Haryana where they purchased 24 cartons of liquor, which were to be taken to the house of

petitioner and were to be sold at double the price at which these were purchased.

Learned counsel for the petitioner submits that the recovery was effected from vehicle near the gate of house of Kaka Singh son of Ekam Singh resident of Balad Kalan. The petitioner is resident of village Rethgarh, Bawanigarh, and was not in the vehicle at the time of recovery.

Keeping in view the above facts and that recovery was not effected from the petitioner, rather it was effected from the vehicle near the house of Kaka Singh at village Balad Kalan which is far away from house of petitioner who lives in village Rethgarh and he has been nominated on disclosure statement of co-accused Avinash, this petition is allowed. The petitioner is directed to surrender before the police and join investigation within two weeks. In the event of his arrest being required, he shall be released on bail till the presentation of challan, subject to his furnishing bonds to the satisfaction of Arresting Officer. However, he shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which he shall lose the benefit of bail allowed to him and will seek regular bail on presentation of challan.

It is, however, made clear that in the event the petitioner failing to join the investigation, he will lose the benefit of pre-arrest bail allowed to him.

December 04, 2019

Jyoti-II

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No