

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48814-2019

Date of Decision: 26.11.2019

Hardeep Singh @ Deepa and another

.. Petitioners

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Naveen Sharma, Advocate
for the petitioners.

Mr. Kirat Singh Sidhu, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioners have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in a case FIR No.185 dated 26.10.2019 registered under Section 61 of the Punjab Excise Act, 1914 at Police Station Koom Kalan, District Ludhiana.

The FIR was registered on the basis of secret information wherein it was informed that Hardeep Singh @ Deepa and Inderdeep Singh @ Indi used to sell liquor after bringing the same from Chandigarh. As per the information, the said accused were bringing liquor in truck bearing No. PB-23-K-7524, which was lying parked near Shani Mandir, Balmiki Mohalla on the road leading from Sahnewal towards Kanech. Acting upon the same, a naka was laid and large quantity of liquor was recovered from the truck, but the accused had managed to flee away from the place of recovery and were not arrested.

Learned counsel for the petitioners contends that the FIR was registered on the basis of secret information and as per the prosecution, the vehicle in question was sold by Amrik Singh to the father of petitioner

No.1, however, the ownership is still in the name of Amrik Singh. He submits that in the given facts, the custodial interrogation of the petitioners may not be necessary.

Learned State counsel on instructions from ASI Randhir Singh has apprised the Court that the alleged illicit liquor was recovered from the vehicle bearing No. PB-23-K-7524. According to him, the said vehicle is owned by Amrik Singh son of Harbans Singh. He submits that the said owner of the vehicle was associated in the investigation, who disclosed that the vehicle was sold to Baldev Singh father of petitioner No.1 Hardeep Singh @ Deepa through an affidavit dated 11.08.2015. However, it is not disputed that the registration certificate of the vehicle stands in the name of Amrik Singh. He submits that the secret informer has named the present petitioners, however, they are not involved in any other case.

Considering the above and the fact that the recovery has already been effected, the custodial interrogation of the accused is not necessary. Therefore, without meaning any expression of opinion on the merits of the case, the petition is allowed and in the event of arrest of the petitioners by the Arresting Officer, they shall be released on bail subject to their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. They shall join the investigation as and when called for by the Investigating Officer and would abide by the conditions enshrined under Section 438 (2) Cr.P.C.

26.11.2019
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE