

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-10159-2020 (O&M)
Date of Decision:- 28.9.2020

Amrit Pal Sharma

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rohiteshwar Singh, Advocate, for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in a case registered vide FIR No.82, dated 12.12.2018, Police Station Rawalpindi, Phagwara, District Kapurthala, under Section 16-1-14 of Punjab Excise Act.
2. The allegations in nut-shell are that a secret information was received by the police to the effect that Avtar Singh was proceeding from Chandigarh towards Focal Point Rihana Jatta in his car bearing No.PB-07-AZ-7475 along with Tempo 407 bearing No.PB-13-AR-732 which was being driven by Gurpreet Singh @ Gupta and also along with Tata Tanker No.PB-46-E-9971, which was being driven

by Balhar Singh and that there was heavy quantity of liquor in the said vehicles. Pursuant to receipt of said information barricading was held and the vehicles in question were signalled to stop. While Gurpreet Singh who was driving Tempo 407 bearing No.PB-13-AR-732 was apprehended at the spot, the occupants of the Swift car and Tata Tanker were able to flee away. A search of the vehicles led to recovery of 255 boxes of liquor from tempo, 20 boxes from Swift car and 300 boxes from Tata Tanker. Further a search of the Swift car led to recovery of the registration certificate in the name of Surinder Kaur mother of the Avtar Singh and also a PAN card of Avtar Singh.

3. Learned counsel for the petitioner has submitted that he was never apprehended at the spot and has been nominated as an accused on the basis of disclosure statement allegedly made by Gurpreet Singh who was arrested at the spot. Learned counsel has further submitted that aforesaid Gurpreet Singh allegedly disclosed names of three persons i.e. petitioner-Amrit Pal Sharma, Avtar Singh and Balhar Singh and the other two persons namely Avtar Singh and Balhar Singh have already been granted bail. It has further been submitted that no recovery whatsoever has been effected from the petitioner and that he is not involved in any other case.
4. Opposing the petition, the learned State counsel has submitted that since in the disclosure statement Gurpreet Singh categorically stated that the petitioner was driving the Swift car which was apprehended at the spot, no case for grant of anticipatory bail is made out. Learned State counsel, upon instructions from ASI Ram Kumar has

however, submitted that the petitioner is not involved in any other case.

5. I have considered rival submissions addressed before this Court. Keeping in view the fact that the petitioner was not apprehended at the spot and is stated to be nominated on the basis of disclosure statement allegedly made by co-accused Gurpreet Singh, the veracity and admissibility of which would be debatable and in view of the fact that the petitioner as on date is not stated to be involved in any other case, the petition is hereby accepted and the petitioner, in the event of arrest, shall be released on anticipatory bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

September 28, 2020

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No