

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

CRM-M No.11971 of 2020
Date of decision: 5th May, 2020

Ramesh Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Vikram Singh, Advocate for the petitioner.

FATEH DEEP SINGH, J. (ORAL)

The matter has been taken up through video-conferencing on account of lockdown due to outbreak of pandemic COVID-19.

Mr. H.S. Grewal, Addl. Advocate General, Punjab puts in appearance on behalf of the State on his own.

Allegations against the petitioner Ramesh Kumar in this first anticipatory bail application filed under Section 438 Cr.P.C. in case bearing FIR No.69 dated 31.07.2019 under Sections 420, 468, 471 IPC and Section 61 of the Punjab Excise Act, 1914 pertaining to Police Station Kheri Gandain, District Patiala, are to the effect that on the basis of secret information that the accused petitioner in connivance with his co-accused was dealing in illicit sale of country-made liquor and on the basis of which from two vehicles both make Bolaro bearing registration No.PB-11CJ-0953 and No.PB-19D-4480, total 2400 bottles were got recovered and at the spot Amar Singh and Balraj Singh, who were sitting in the vehicles, were arrested.

Learned counsel for the petitioner Mr. Vikram Singh, Advocate inter alia contends that the petitioner happens to be the landlord of a dwelling unit which he has let out on rent to one Karaj Singh son of Leela Singh and thus, he cannot be connected with the commission of offence and which is controverted by learned State counsel on the premise that there is no written rent agreement between the parties.

Appreciating the submissions of the two sides, admittedly recovery has already been effected from the co-accused non-applicant and the learned State counsel could not convince this Court what reasonable grounds were made out for custodial interrogation of the petitioner. In view thereof, this Court is of the opinion that petitioner's joining the investigations would suffice the purpose. Accordingly, he is directed to appear before the investigating officer within a period of 15 days from the date of receipt of certified copy of this order and on his doing so he shall be released on bail to the satisfaction of the arresting/investigating officer till submission of report under Section 173 Cr.P.C. (challan). The petitioner shall continue to join investigation and shall furnish an undertaking that he shall abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, he will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

May 5, 2020

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No