

S.No.110

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

CRM-M-12697 of 2020 (O&M)

Date of Decision:21.05.2020

Fariad KhanPetitioner

Vs.

State of PunjabRespondent

IN VIRTUAL COURT

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Ms. Amandeep Kaur, Advocate for the petitioner.

Rajbir Sehrawat, J.(Oral)

CRM No.10906 of 2020

This is an application seeking exemption from filing of the Court fees.

For the reasons mentioned in the application, the same is allowed. The petitioner is exempted from filing the Court fee.

CRM-M-12697 of 2020

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.39 dated 28.02.2020 registered under Section of 61 of Excise Act, Police Station City Dhuri, District Sangrur.

It is contended by counsel for the petitioner that the petitioner has wrongly been involved in the case. Nothing has been recovered from the petitioner as such. The attribution is that the petitioner was carrying 50 bottles of liquor in a plastic bag and then ran away from the spot when he was about to be nabbed by the Police. However, it is not even possible to

carry 50 bottles of liquor in a plastic bag. In any case, the recovery already stands effected and nothing more is to be recovered from the petitioner. The petitioner is ready to join the investigation.

Notice of motion.

Ms. Monika Jalota, DAG, Punjab, accepts notice on behalf of the State.

Learned State Counsel, on instructions from ASI Gian Singh, submits that the petitioner is habitual of smuggling liquor. He is already facing two more cases. In the present case also, he had run away on seeing the Police. However, the consignment which the petitioner was carrying in a plastic bag and which was left behind by him, has duly been recovered by the Police. However, it is not disputed that in this matter, the recovery already stands effected.

In view of the above, the present petition is allowed. In the event of arrest, the petitioner shall be released on bail subject to his furnishing personal bonds/ surety bonds to the satisfaction of the Arresting/ Investigating Officer. However, the petitioner shall 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.

May 21, 2020
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No