

205

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

CRM-M No.16679 of 2020

Date of Decision: 09.07.2020

MINTU SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms. Manjot Kaur, Advocate
for the petitioner.

Mr. Amar A. Pathak, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

The petitioner seeks grant of anticipatory bail in case bearing FIR No.20 dated 29.02.2020, registered under Section 61 of the Excise Act at Police Station Sherpur, District Sangur.

Prosecution story started with the allegations that on 29.02.2020, the police party was on patrolling duty and in search of suspected persons. At about 7.30 a.m., Alto car was seen coming at a high speed, which was signalled to stop by the police party. At the first instance, the driver of the car tried to run away with the car by turning the same towards village Gobindura, but the car was stopped by the Police. The driver of the car after opening the door of the car, ran away from the spot. In the process of running, he was identified by the ASI. Petitioner is alleged to be a habitual in selling liquor and drugs. Owing to the antecedent behaviour of the petitioner, he was

identified by the ASI.

Petitioner could not be apprehended, even after making chase by the constable Malkit Singh. The person sitting on the conductor side was apprehended, who disclosed his name as Balvir Singh. 180 bottles of liquor (make 555 gold whiskey Chandigarh) were recovered from the co-accused. Name of the petitioner was disclosed by the co-accused in his disclosure statement.

Learned counsel for the petitioner submitted that the recovery has not been effected from the conscious possession of the petitioner, rather the same has been effected from the co-accused Balvir Singh. Petitioner is not a registered owner of the car and his possession on the basis of affidavit would remain debatabale.

Learned State counsel on instructions from the Investigating Officer opposed the prayer on the ground that the petitioner is having antecedent behaviour of criminal activity and he is involved in number of cases.

The aforesaid fact has been explained by learned counsel for the petitioner by saying that the petitioner is on bail in other cases. Even in CRM-M No.16664 of 2020, petitioner has been granted anticipatory bail by this Court vide order of even date i.e. today.

Looking to the facts and circumstances of the case and without meaning anything on merits of the case, It would be just and appropriate to direct the petitioner to appear before the SHO/Investigating Officer to join investigation on 15.07.2020 and in the event of his arrest, he shall be released on bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under

Section 438(2) Cr.P.C:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;
- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

Petition stands disposed of.

(RAJ MOHAN SINGH)
JUDGE

July 09, 2020

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No