

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

106

CRM-M No.17369 of 2020 (O&M)
DATE OF DECISION : 3rd JULY, 2020

Kuldeep Singh

.... **Petitioner**

Versus

State of Punjab

.... **Respondent**

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court
=====

Present: Mr. Prateek Pandit, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

CRM-14875-2020

The application is allowed as prayed for.

CRM-M No.17369 of 2020

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory/pre-arrest bail in case FIR No.203 dated 16.10.2019 registered under Section 61 of Punjab Excise Act 1914, at Police Station Kotwali Kapurthala, District Kapurthala.

It is contended by counsel for the petitioner that the case against the petitioner is totally concocted. Nothing was recovered from the petitioner or in his presence. However, even as per the allegations the alleged recovery from the field of the petitioner, though in his absence, is of only 15 bottles of illicit liquor. Therefore, the alleged recovery already stands effected.

Notice of motion.

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab, accepts notice on behalf of the State.

Learned State counsel, being instructed by ASI Jaswinder Singh, submits that the recovery has been effected from the field of the petitioner. The petitioner had run away from the spot on seeing the police. Hence, the petitioner does not deserve to be released on anticipatory bail.

Considering the facts and circumstances of the case, this court is of the view that since the alleged recovery has already been effected and the petitioner undertakes to join the investigation, therefore, he can be granted anticipatory bail.

In view of the above, but without commenting anything on merits of the case, the present petition is allowed. In the event of arrest, the petitioner be released on bail subject to his furnishing personal bonds/surety to the satisfaction of 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.

3rd JULY, 2020
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>