

S.No.118

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

CRM-M-18310 of 2020 (O&M)

Date of Decision:13.07.2020

Balwinder Singh @ Doctor

.....Petitioner

Vs.

State of Punjab

.....Respondent

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IN VIRTUAL COURT
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CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. I.P.S. Kohli, Advocate for the petitioner.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.185 dated 11.09.2019 registered under Section 61(1) of Excise Act, 1914 at Police Station Kotwali, District Kapurthala.

It is contended by counsel for the petitioner that the case against the petitioner is totally concocted. The name of the petitioner has been dragged in the case only because the Police found some truck loaded with the liquor near the house of the petitioner. The area where the truck was parked is an open area having no fence or boundary wall. Therefore, there is nothing even to suggest that it was only the petitioner who had parked that truck loaded with liquor at that place. Still further, it is submitted that there is no other case of any kind against the petitioner. The petitioner will join the investigation.

Notice of motion.

Mr. Randhir Singh Thind, DAG, Punjab, accepts notice on

behalf of the State.

Learned State Counsel, on instructions from SI Amandeep Kumar, has submitted that the truck was found parked in the Court yard of the house of the petitioner. However, it is not disputed that the area where the truck was found parked; is not any enclosed area. It is also not disputed that there is no other case against the petitioner.

In view of the above submissions, but without commenting upon merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail. Therefore, it is directed that in case of his arrest, the petitioner shall be released on bail subject to his furnishing bail bonds/ surety bonds to the satisfaction of Arresting/ Investigating Officer. However, it is further directed that 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.

July 13, 2020
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No