

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

Through Video Conferencing

205

CRM-M-21029-2020

Date of Decision : August 11, 2020

VINESH KUMAR @ MONU AND OTHERS

.....Petitioners

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. R.K.Handa, Advocate
for the petitioners.

Mr. B.S.Sewak, Addl. A.G., Punjab.

NIRMALJIT KAUR, J. (Oral)

The prayer in the present petition is for grant of regular bail to the petitioners in case FIR No.95 dated 1.7.2020 under Sections 61, 78(2), 1, 14 of Punjab Excise Act, 1914 and Section 307 IPC (added lateron) Police Station Model Town, District Ludhiana.

Learned counsel for the petitioners contends that this FIR under Sections 61, 78(2), 1, 14 of Punjab Excise Act could not have been registered by the police in view of the judgment rendered by this Court in Rakaghera's case reported in ***RCR 2017(2)*** whereby case was registered under the Punjab Excise Act by the police and this Court quashed the FIR on the ground that the jurisdiction lies with the Excise Department and not with the police under the IPC. It is further stated that Section 307 IPC was added lateron only to make a case under the IPC, otherwise there is no case of any injury at all.

Learned State counsel while opposing the bail application submitted that the police has power under Section 47 of the Punjab Excise Act to arrest, seizure and detention.

Be that as it may, the petitioners are seeking regular bail. Taking into account the facts and circumstances of the present case, the present petition is allowed. The petitioners are ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate.

August 11, 2020
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(NIRMALJIT KAUR)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No