

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

**CRM-M-22034-2020
Date of decision: 07.08.2020**

Gagan Sharma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Ritesh Pandey, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 168 dated 04.10.2019, registered under Section 61 of the Punjab Excise Act, 1914 at Police Station City Gurdaspur, District Gurdaspur.

Learned counsel for the petitioner submits that as per the allegations in the FIR, the police received a secret information that Mohan Lal @ Sonu and Bikka have brought liquor from other State in a car bearing registration number HR-51-T-9320. Thereafter, the Investigating Officer conducted a raid and found that two persons were unloading liquor boxes in a room and on seeking the police party, one person escaped and Mohan Lal @ Sonu was arrested along with 600 bottles of liquor.

Learned counsel for the petitioner further submits that the petitioner was initially granted interim anticipatory bail by the Sessions Judge, vide order dated 12.03.2020 but he could not join investigation as he

was admitted in De-Addiction Centre and nothing was recovered from him.

Learned counsel further submits that the anticipatory bail application of the petitioner was dismissed only on the ground that he failed to join investigation.

Learned counsel further submits that the petitioner is neither owner of the said car nor was in possession of the room from where the recovery was effected and in fact co-accused Mohan Lal @ Sonu is the owner of the said car and he was in possession of the same.

Learned counsel further submits that the petitioner is a daily wager and he is not involved in any other case under the Excise Act.

Learned State counsel could not dispute the factual position and submitted that the petitioner, after having been granted interim anticipatory bail by the Sessions Judge, could not join the investigation.

I have heard learned counsel for the parties.

Without commenting anything on the merits of the case, considering the fact that the petitioner was not named in the FIR which was registered on a secret information; petitioner is neither the owner of the said car nor was in possession of the said room from where the recovery was effected; he is not involved in any other case under the Excise Act and also in view of the fact that his anticipatory bail application has been dismissed by the Sessions Judge only because he could not join investigation due to COVID-19 situation after being granted interim bail, the present petition is allowed.

The petitioner is granted concession of anticipatory bail, subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon the petitioner to join investigation, if so required, after issuing a written notice in this regard.

07.08.2020
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>