

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.24048 of 2020
Date of Decision :24.08.2020

Mulakh Raj

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE ARUN PALLI, JUDGE

Present: Mr.Imran Farooqi, Advocate for the petitioner.
Mr. H.S.Sitta, AAG, Punjab.
(The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual Court)

ARUN PALLI, J. (Oral):

Petitioner prays for an anticipatory bail under Section 438 of Cr.P.C. in FIR No.101, dated 03.07.2020, under Sections 61/67/1/14 of Punjab Excise Act, 1914, registered at Police Station City-1, Malerkotla, District Sangrur.

In brief, the case of the prosecution is that co-accused Mohd. Shabir @ Seera was found to be in possession of 16 bottles of country-made liquor marka 'Malta Sikander' without any licence or permit. However, during interrogation he disclosed that the recovered liquor was supplied to him by the petitioner Mulakh Raj.

Learned counsel for the petitioner submits that neither the petitioner was apprehended at the spot nor any recovery was effected from his person. He has merely been implicated on the disclosure statement of co-

accused namely Mohd. Shabir @ Seera, which in the absence of any corroborative evidence/material is inadmissible. Thus, his implication in the present case is apparently false.

The factual position as set out above is not disputed by Mr. H.S.Sitta, AAG, Punjab. However, he submits for the petitioner is alleged to have supplied the recovered liquor and to ascertain the actual source of these supplies and burst the trade racket, the custodial interrogation of the petitioner shall be necessary. Further, apart from the present FIR the petitioner was also involved in 7 other cases.

In so far as the 7 other FIRs, learned counsel for the petitioner asserts that petitioner has already been acquitted in 4 cases, whereas the other three were pending under the Excise Act. He submits that pendency of those cases would assume some significance if the petitioner was apprehended at the spot and some recovery was effected from him.

In the given circumstances, the petition is accepted. In the event of arrest the petitioner shall be released on bail subject to furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when required and shall also abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

(ARUN PALLI)
JUDGE

24.08.2020

Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No