

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

**CRM-M-27665-2020 (O&M).
Date of Decision: October 26, 2020.**

RAKESH KUMAR @ KALI MADAN Petitioner(s)

Versus

STATE OF PUNJAB Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Ms. Suman Kumari, Advocate
for the petitioner.
Mr. Ajay Pal Singh, D.A.G., Punjab.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 93 dated 03.08.2020, under Section 61.1.14 of the Punjab Excise Act, 1914, Police Station City-2 Abohar, District Fazilka.

Learned counsel for the petitioner vehemently argues that the petitioner is sought to be implicated in the above said FIR, merely on the basis of disclosure statement of the co-accused Harish Kumar, from whom the alleged recovery of Rajasthan made liquor has been affected. It is contended that the FIR in question is the result of professional rivalry. Moreover, the petitioner, it is submitted has since joined the investigation and he undertakes to cooperate in the investigation of the matter. Learned counsel for the petitioner further submits that

custodial interrogation of the petitioner is not required. It is thus prayed that this petition be allowed.

I have heard learned counsel for the parties.

Learned counsel for the State on instructions from ASI Mohan Lal, verifies that the petitioner has joined investigation and his custodial interrogation is not required. No recovery has been affected from the petitioner and apart from the disclosure statement of the co-accused learned counsel for the State is unable to point out any evidence on record, at this stage, to indicate complicity of the petitioner.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. Consequently, order dated 14.09.2020 is made absolute. Needless to say, the petitioner shall comply with the conditions stipulated under Section 438(2) of Cr.P.C.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

October 26, 2020

Sunil

**(LISA GILL)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No