

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

**CRM-M No.29257 of 2020
Date of Decision : 12.10.2020**

Rajiv Sharma

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Ms. Sarika Gupta, Advocate
for the Petitioner.

Mr. Saurav Khurana, Dy. Advocate General, Punjab
for the Respondent/State.

SUDIP AHLUWALIA, J. (ORAL)

The instant Petition has been filed under Section 438 of the Code of Criminal Procedure seeking Anticipatory Bail in case FIR No.91, dated 16th August, 2020, registered under Section 61 of the Punjab Excise Act, 1914 at Police Station Sadar Banga, District SBS Nagar.

2. As per Office Report, Reply by way of Affidavit of Deputy Superintendent of Police, Banga along with Annexure R-1, which happens to be a copy of the Retail Pass issued in favour of the Petitioner by the Competent Authority i.e. Excise and Taxation Department, Punjab, has been filed by the State.

3. Perusal of the same clearly goes to show that recovery of contraband in the form of Boxes and Bottles of Whisky meant for sale in Haryana in the Mahindra Pickup vehicle was at the instance of the persons actually arrested namely Daljit Singh @ Laddu and Vishal Sharma.

4. Admittedly, there was no recovery effected directly from the Petitioner and he has been involved in this case on the basis of the Disclosure Statement of the co-accused.

5. For the aforesaid reasons, this Court is of the opinion that custodial interrogation of the Petitioner is not called for at this stage. Accordingly, Petitioner's prayer for Anticipatory Bail is allowed and in the event of arrest, Petitioner is ordered to be released on bail to the satisfaction of the Arresting Officer till submission of report under Section 173 Cr.P.C. (Challan). He shall continue to join investigation and shall furnish an undertaking that he shall abide by the conditions specified under Section 438(2) Cr.P.C.. Thereafter, the Petitioner will be permitted to furnish bail bonds to the satisfaction of the Ld. Trial Court.

6. Disposed off.

October 12, 2020

Dpr

**(SUDIP AHLUWALIA)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No