

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-31270-2020 (O&M)
Date of Decision:- 2.12.2020

Gurvir Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. L.S.Sidhu, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Arjan Singh.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in a case registered vide FIR No.251, dated 16.11.2018, Police Station Sangat, District Bathinda, under Sections 61 and 78 of the Punjab Excise Act, 1914.
2. The FIR was lodged pursuant to receipt of a secret information that a vehicle was lying abandoned in an accidental condition in which there was illicit liquor. Upon receipt of said information the police went to the spot and recovered 156 bottles of country-made liquor (Shahnai) meant to be sold in State of Haryana.

3. The learned counsel for the petitioner has submitted that he is neither named in the FIR nor was even arrested from any place near the place from where the vehicle was recovered from which the recovery of 156 bottles of country-made liquor is stated to have been effected, and is now sought to be nominated as an accused after about 1 year and 9 months of lodging of the FIR on the ground that he had purchased the car in question from one Gurpreet, who had further purchased the same from the original owner namely Damodar Shastri.
4. Opposing the petition, the learned State counsel has submitted that since during the course of investigation it had been found that the petitioner had purchased the car in question, his complicity is clearly evident. The learned State counsel has, however, informed that the petitioner is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. Keeping in view the fact that the petitioner is sought to be nominated as an accused on account of the fact that the police claims that he is owner of the car in question which in fact stands registered in the name of Damodar Shastri, which would in fact be debatable as the authenticity of the documents of purchase by the petitioner is yet to be established and while also keeping in view the fact that the petitioner is not stated to be involved in any other case, the petition is accepted and it is ordered that, in the event of arrest, the petitioner be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to

do so and cooperate with the Arresting/Investigating Officer and shall
abide by the conditions as provided under Section 438 (2) Cr.P.C.

December 2, 2020

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(GURVINDER SINGH GILL)

JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No