

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

CRM-M-48148-2019 (O&M)
Date of Decision:-15.1.2020

Gurmeet Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jaswinder Singh Grewal, Advocate for the petitioner.

Mr. Saurav Khurana, Deputy Advocate General, Punjab,
assisted by HC Ram Singh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.221 dated 13.10.2019 at Police Station City 1, Abohar, Tehsil Abohar, District Fazilka under Section 61/1/14 of Punjab Excise Act, 1914.
2. The allegations, in nutshell, are that upon receipt of secret information barricading was held and a truck was intercepted, the search of which led to recovery of 25 boxes of 'Chandigarh' Whisky. However, the petitioner was stated to have fled away from the spot. It is further the case of prosecution that the vehicle in question was found to be registered in the name of the petitioner.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that he was never present at the time of alleged recovery.
4. Opposing the petition, the learned State counsel has submitted that the factum of recovery of liquor in question and the fact that the truck from which recovery was effected is registered in the name of petitioner shows that the petitioner himself is involved in the smuggling of liquor and, as such, no case for grant of bail is made out. It has, however, been informed that pursuant to interim directions, the petitioner has joined investigation.
5. I have considered rival submissions addressed before this Court.
6. Given the fact that the petitioner is not stated to have been arrested at the spot and the fact that he has already joined investigation, his custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 14.11.2019 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

15.1.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No