

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

CRM-M-50260-2019 (O&M)
Date of Decision:-14.1.2020

Amrik Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. G.S. Sandhu, Advocate for the petitioner.

Mr. Saurav Khurana, Deputy Advocate General, Punjab.

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.198 dated 30.10.2019 at Police Station Samana, District Patiala under Section 61(1) of Punjab Excise Act, 1914.
2. The case of the prosecution, in nutshell, is that on 30.10.2019 during the course of checking the police signaled a car to stop. After the said car came to a halt its driver ran away towards the fields who was chased by officials of the police, but he managed to escape. Upon checking of the vehicle in question 18 cartons of liquor total containing 216 bottles of Haryana made liquor were recovered. During the course of investigation the vehicle in

question was found to be registered in the name of the petitioner and, as such, he has been nominated as an accused.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that the alleged recovery was never effected from the petitioner and in these circumstances the petitioner deserves the concession of bail.
4. Opposing the petition, the learned State counsel has informed that three other cases had earlier been registered against the petitioner in which he stands convicted in one of them in respect of an offence under Section 326 IPC while he stands acquitted in another case registered under NDPS Act whereas in yet another FIR registered for offence under Section 325 IPC, cancellation report had been filed.
5. I have considered rival submissions addressed before this Court.
6. Keeping in view the fact that the petitioner was not arrested at the spot and that the recovery already stands effected, custodial interrogation of the petitioner is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 4.12.2019 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.

14.1.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No