

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

209

CRM-M-2132-2021 (O&M)

Date of Decision: 10.09.2021

Lakhwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. S.S.Maini, Advocate, for the petitioner.

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

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.19 dated 08.02.2019 at Police Station City Kotakapura, District Faridkot, under Section 61 of the Punjab Excise Act.
2. The FIR was lodged on receipt of a secret information to the effect that one Arshdeep Singh alongwith his companions brings local made liquor at cheap rates from other States in his Scorpio vehicle and sells the same at higher rates in the State of Punjab. Pursuant to receipt of said secret information, barricading was held and a Scorpio bearing registration No.PB-13AP-1400 was signaled to stop. While the driver and one more person sitting by the side of driver managed to escape, one Thana Singh sitting on the rear seat was apprehended by the police. The search of the vehicle led to

recovery of 360 bottles of liquor branded as '*Shehani Haryana*'. It is the case of the prosecution that Arshdeep Singh was arrested on 19.11.2020 and during the course of interrogation, he disclosed that the person, who was driving the vehicle, when the same was intercepted on 08.02.2019, is Lakhwinder Singh (petitioner).

3. At the time of issuance of notice of motion on 15.01.2021, the following order was passed:

“Learned counsel for the petitioner prays for grant of anticipatory bail to the petitioner while inter-alia arguing that the petitioner has not been named in the FIR. In fact the petitioner has been implicated in the FIR on the statement made by a co-accused. It is contended that he is ready and willing to join the investigation. Notice of motion.

Ms. Rashmi Attri, AAG, Punjab appearing through the medium of video conferencing accepts notice on behalf of the respondent State and seeks time to file reply.

Adjourned to 24.05.2021.

Meanwhile, petitioner is directed to join the investigation within a period of one week and on doing so, the petitioner be released on interim bail to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions incorporated under Section 438(2) Cr.P.C.”

4. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and that he happens to be involved in one more case.
5. Having regard to the fact that the petitioner was not arrested at the spot and has been nominated subsequently on the basis of a disclosure statement after about one year of the occurrence in

question and is stated to have 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 15.01.2021 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.

10.09.2021

Vimal

**(GURVINDER SINGH GILL)
JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**