

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

CRM-M-3954-2020 (O&M)

Date of Decision:-28.7.2021

Basant Singh @ Bathi Singh @ Nikka

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Harshit Jain, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by HC Jagtar Singh.

(proceedings conducted through video conferencing)

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.0009 dated 8.1.2020 at Police Station Bhawanigarh, District Sangrur under Section 61/1/14 of Punjab Excise Act, 1914.
2. As per the FIR, a secret information was received against two persons namely Gurlal Singh @ Gora son of Sukhwinder Singh and Bathi Singh @ Nikka son of Janta Singh to the effect that they indulged in sale of liquor without any license and that on the given day they were bringing heavy quantity of liquor from Chandigarh in a white coloured Dezire Car bearing registration No.HR-09E-7878. Pursuant to receipt of said information barricading was held and the car bearing registration No.HR-09E-7878 was intercepted. However, the two persons sitting in the said car managed to

escape. The search of the car led to recovery of 360 bottles of liquor namely Saunf Ras and another 240 bottles of liquor namely 555 Gold Whiskey.

3. Learned counsel for the petitioner has submitted that the petitioner is infact not even named in the FIR and it is one Bathi Singh @ Nikka, who is named therein and the police is now trying to set up a case that it is the petitioner, who was one of the two persons travelling in the car and that his name was somehow mentioned incorrectly in the FIR.
4. While learned State counsel has opposed the petition but it has been informed that pursuant to interim directions the petitioner has since joined investigation. Learned State counsel has further informed that although 5 other cases stand registered against the petitioner but none of the said cases is under Excise Act.
5. Having regard to the aforestated position, wherein there is some dispute regarding identity of the petitioner and while also noticing that the petitioner has since 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 30.1.2020 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.
6. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

28.7.2021

pankaj

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No

**(Gurvinder Singh Gill)
Judge**