

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

CRM-M-5690-2021

Date of Decision:01.04.2021

Baaj Singh

.....Petitioner

Vs.

State of Punjab

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. Amit Arora, Advocate,
for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

AMOL RATTAN SINGH, J. (Oral)

Case heard by video conference.

On 09.02.2021, the following order had been passed:-

“Case heard via video conferencing.

By this petition, the petitioner seeks the concession of anticipatory bail, upon FIR no.283, dated 15.8.2020, having been registered at Police Station Goindwal Sahib, District Tarn Taran, alleging therein the commission of an offence punishable under Section 61 of the Punjab Excise Act, 1914.

Learned counsel for the petitioner submits that the alleged recovery from the petitioner and his co-accused is on alleged secret information received, with the allegation being that upon seeing the police party and being searched, they fled from the spot on a motorcycle, leaving the liquor that was being allegedly carried by them behind, but with even the motorcycle on which they were allegedly travelling, not belonging to the petitioner.

Notice of motion.

Mr.Sandeep Singh Deol, learned DAG, Punjab,
accepts notice
at the asking of the court.

Upon query as to who the owner of the motorcycle is, he submits that since the petitioner and his co-accused ran away from the spot, the ownership of the motorcycle has not been determined.

I find that rather strange because even in the FIR itself the registration number of the motorcycle is given to be PB-63-D-2718.

That being so, the petitioner is directed to join investigation within one week and upon him so joining if he is sought to be arrested, he shall be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting

officer/Ilaqa Magistrate.

He shall also comply with all conditions stipulated in Section 438(2) of the Cr.P.C.

If the investigating officer does not actually join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation, in terms of the order of this court.

Adjourned to 31.3.2021.”

Today learned State counsel, on instructions, submits that the petitioner has joined investigation but that the motorcycle as was abandoned by the petitioner and his co-accused having been found to be registered in the name of the petitioners' mother.

Upon query he submits that, as per his instructions, there is no criminal case registered against the petitioner.

That being so, with the bottle of liquor allegedly recovered from the spot already having been so recovered, I see no purpose in continuing with the custodial interrogation of the petitioner, consequently, without making any comment on the actual merits of the case, this petition is allowed, with the order dated 09.02.2021, admitting the petitioner to interim bail, made absolute, on the same terms and conditions.

April 01, 2021

dharamvir

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO