

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

CRM-M-6484-2021 (O&M)
Date of Decision:-25.8.2021

Rajvir Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Shivam Grover, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Surjit 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.302 dated 13.12.2020 under Sections 61, 78, 1 and 14 of Punjab Excise Act, 1914 at Police Station Lehra District Sangrur.
2. At the time of issuance of notice of motion on 11.2.2021, the following order was passed :

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.302 dated 13.12.2020 at Police Station Lehra under Sections 61, 78, 1 and 14 of Punjab Excise Act, 1914.

It is the case of prosecution that on 13.12.2020 when the police party was patrolling, it came across a motorcycle which was lying parked by the side of a road, whose front tyre was deflated. A plastic bag was found tied to the rear side of the motorcycle and upon checking the same 120 bottles of country made liquor were found. It is further the case of prosecution that subsequently on 26.12.2020 one Sukha Singh disclosed to the police that on 13.12.2020 he had seen the petitioner going with the motorcycle bearing registration No.PB-31R-8819, whose front tyre had been deflated.

Learned counsel for the petitioner has submitted that the petitioner is nowhere named in the FIR nor was ever found near the place from where the motorcycle is alleged to have been recovered and from which 120 bottles of illicit liquor were allegedly seized.

Notice of motion for 6.5.2021.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the 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.”

3. Learned State counsel, upon instructions from ASI Surjit Singh, has informed that the petitioner pursuant to interim directions has joined investigation and that challan already stands presented. It has further been informed that the petitioner is not wanted in any other case.
4. Having regard to the facts and circumstances of the case, particularly the fact that the petitioner was never found at the spot and nor anything was recovered from him and also that the petitioner is stated to have joined

investigation and challan already stands presented and is stated to be having a clean record, the petition is accepted and the interim directions issued by this Court vide order dated 11.2.2021 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.

25.8.2021

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No