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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.16455 of 2019

Date of Decision:14.09.2021

VIJAY KUMAR @ BABLA

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

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

Mr. Chaman Lal Pawar, Sr. DAG, Punjab.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C in case bearing FIR No.35 dated 20.03.2019 registered under Section 420 IPC and under Sections 61/1/14 of Punjab Excise Act, at Police Station Basti Bawa Khel, Jalandhar.

On 10.04.2019, following order was passed:-

“Learned counsel for the petitioner contends that the case against the petitioner is concocted. As per the case of the Police, recovery of 144 bottles of illicit liquor having mark Royal Secret Whisky “for sale in Arunachal Pradesh” is alleged to have been made from a Lancer Car bearing registration No.Pb-08-4747, while the said car was parked in front of house of the petitioner. It is submitted by the counsel that neither this car belongs to the petitioner, nor on the said date and time, the car was ever parked in front or near the house of the petitioner. The petitioner has got CCTV footage to this effect to rebut the claim of the Police.

Notice of motion for 22.05.2019.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

The Investigating Officer of the case shall also file a report as to which distillery has manufactured the said recovered illicit liquor. The batch number of the same shall also be found out and mentioned in the report. It shall also be specified in the report; as to whom this batch number of the whisky was sold/ supplied by the manufacturer distillery.

10.04.2019

(RAJBIR SEHRAWAT)

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JUDGE"

Learned counsel for the petitioner submits that in compliance of the order dated 10.04.2019, petitioner has joined the investigation to the entire satisfaction of the Investigating Officer.

Learned State counsel on instructions from ASI Kulwinder Singh submits that petitioner has joined the investigation on 05.05.2019, however, petitioner is also involved in 4 other cases. Number of the vehicle was found to be fake. Offence under Section 420 IPC has been added.

Learned State counsel, further, submits that in the present case, petitioner has joined the investigation to the entire satisfaction of the Investigating Officer and his presence is no more required for further investigation in the case.

In view of very nature of observations made, the interim order dated 10.04.2019 is made absolute. Petitioner shall keep on joining the investigation as and when required to do so and

he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

14.09.2021
Amandeep

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No