

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

**CRM-M-25977-2021
Date of decision: 08.07.2021**

Gurpartap Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. A. S. Manaise, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

(through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 43 dated 26.05.2021, registered under Sections 61, 78(2) of the Punjab Excise Act, 1914 at Police Station Behrampur, District Gurdaspur.

Learned counsel for the petitioner submits that the FIR was registered on receiving a secret information by the police that a person is sitting in a car bearing registration number PB-08-T-3031 near a village and if a raid is conducted, intoxicant substance can be recovered from the said car. On receiving such information, the police party sent a ruqa to the police station and conducted a raid and found that a car was lying parked on the roadside, however, nobody was there. The keys of the car were inside and on searching the car, one plastic cane was recovered from the dickey containing illicit liquor equivalent to 45 bottles.

Learned counsel further submits that petitioner is not the registered owner of the said car and he was never arrested at the spot.

Learned counsel further submits that petitioner, on an earlier occasion also, was nominated in FIR No. 14 dated 01.02.2021, under Section 21 of the NDPS Act, wherein he is on bail and he is not facing any other trial under the Excise Act.

In reply, Learned State counsel submits that as per investigation, the car is found to be in the name of one Kiranpreet Singh, who has stated that he has sold the said car to petitioner on an affidavit, however, the registration certificate remained in his name.

After hearing learned counsel for the parties, considering the fact that in the secret information, the name of the petitioner did not surface as it was stated that a person is sitting in a car and also in view of the fact that petitioner was not found at the spot when the raid was conducted and recovery was effected, the present petition is allowed and the petitioner is granted concession of anticipatory bail, subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon the petitioner to join investigation, if so required, by issuing him a written notice in this regard.

08.07.2021

Wasim Azhari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No