

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-26187 of 2021
Date of Decision: 15.07.2021

Jatinder Singh @ Minda

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Yashpal Thakur, Advocate for the petitioner.
Ms. Monika Jalota, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition under Section 438 Cr.P.C. seeking anticipatory bail in FIR No. 228 dated 10.8.2020, under Section 61 of the Punjab Excise Act, 1914, Section 188 IPC and Section 51 of the Disaster Management Act, 2005, registered at Police Station Bhawanigarh, District Sangrur.

On 10.8.2020, the police acting on a secret information checked car bearing registration No. HR-05N-0169 near bridge of a canal in the area of village Bhatiwala Khurd. The driver and the co-occupant were able to flee. On search, 96 bottles of country made liquor having label of Fresh Malta and Mast Shehnshah were recovered. The petitioner was nominated on the basis that the car was purchased by the brother of the petitioner.

Learned counsel for the petitioner submits that it is a case of false implication. The petitioner was not apprehended at the spot, no recovery is to be made and he is ready to join the investigation and co-operate.

Learned counsel for the State on instructions from ASI-Sarabjit Singh opposes the prayer of grant of pre-arrest bail. She submits that the petitioner is involved in two more cases under the Punjab Excise Act, 1914.

The petitioner was not apprehended at the spot. The basis of his nomination in the FIR is that his brother owned the car. No recovery is to be made from the petitioner. Mere involvement of the petitioner in two more cases is not sufficient ground to deprive his personal liberty. The petitioner is granted anticipatory bail subject to his joining investigation within 15 days. In the event of arrest, the petitioner shall be released on bail subject to his furnishing adequate bail bonds to the satisfaction of the Investigating Officer. He is directed to join the investigation as and when called for. He shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

The petition is allowed.

In case of failure of petitioner to join the investigation, the State would be at liberty to file an application for re-calling of this order.

[AVNEESH JHINGAN]
JUDGE

15th July, 2021
mk

- | | | |
|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |