

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

**CRM-M-26543-2021
Date of decision: 13.07.2021**

Gurpal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Manpreet Singh, Advocate
for the petitioner.

Mr. M. S. Nagra, AAG, Punjab.

(Through Video Conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for setting aside the order dated 15.06.2021, vide which, PO proceedings are initiated against the petitioner in case FIR No. 187 dated 30.07.2019, registered under Section 61/1/14 of the Excise Act at Police Station City Moga.

Learned counsel for the petitioner submits that the petitioner is running a taxi and is also working in a small welfare group. Learned counsel further submits that after the petitioner was involved in the aforesaid FIR, he was never arrested and he was under an impression that he was exonerated on the basis of the inquiry.

Learned State counsel, however, submits that as per allegations in the FIR, registered on a secret information, it is stated that petitioner Gurpal Singh is the driver of a canter and he, along with co-accused Meeti Ram and Sagar Singh, is bringing liquor from Chandigarh and the said truck is parked for the last two days near Vishav Karma Chowk and if a raid is

conducted, illicit liquor can be recovered. Thereafter, 150 boxes of country made liquor were recovered.

In reply, learned counsel for the petitioner further submits that since the petitioner, who is a co-accused, was never arrested as it is the own case of the prosecution that the truck was lying parked for the last two days and the petitioner is not the owner of the said truck, the PO proceedings were wrongly initiated against him.

Learned counsel for the petitioner further submits that petitioner is ready to surrender before the trial Court and face the trial.

Learned State counsel, on instructions from the Investigating Officer, submits that petitioner is not involved in any other case.

After hearing learned counsel for the parties and considering the submissions made by them, the present petition is allowed and impugned order dated 15.06.2021 is set aside.

The petitioner is directed to surrender before the trial Court within a period of 15 days from today and on doing so, the trial Court shall release him on bail, subject to his furnishing bail/surety bonds to its satisfaction and on deposit of Rs. 5,000/- as costs with the District Legal Services Authority, concerned.

13.07.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No