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

**CRM-M No.28836 of 2021
Date of Decision:04.08.2021**

AJITPAL SINGH @JEET

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Pranav Chamoli, Advocate
for the petitioner.

Mr. Sandeep Kumar, D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

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

The petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C. in case bearing FIR No.170 dated 01.07.2021 registered under Section 61/ 78 (2) of the Punjab Excise Act at Police Station Anaj Mandi, District Patiala.

In compliance of order dated 26.07.2021, photocopy of status report along with annexures has been received in whatsapp group.

The FIR was registered on the basis of secret information to the effect that Jaspal Singh @ Monu and the petitioner are involved in selling of liquor without permit by smuggling the same in a private vehicle bearing No.PB-10-AN-

5911 Honda City. The secret information was treated to be reliable piece of information and FIR was registered against Jaspal Singh @ Monu and the petitioner for the offences in question. Naka was installed. Vehicle No.PB-10-AN-5911 was stopped. Jaspal Singh @ Monu was apprehended by the police, whereas, the petitioner managed to escape by taking advantage of darkness. On checking, 240 bottles of country made liquor were recovered from the car. Petitioner was nominated on the basis of disclosure statement of co-accused Jaspal Singh @ monu. Jaspal Singh @ Monu has disclosed that he and the petitioner had brought the said liquor from vendor Karnail Dass. Karnail Dass was also nominated as an accused in the present case. It appears that during investigation, the police has associated one Excise Inspector, Patiala, namely, Gurpreet Singh Dhindsa.

Perusal of recovery memos of the liquor and the car would show that the said witness has not witnessed the recovery of liquor as well as the car. In the recovery memo of liquor, no FIR number has been mentioned, whereas, in the recovery memo of car, FIR number has been mentioned. Both the recovery memos were prepared on 02.07.2021. At the time of apprehending co-accused, the prosecution has shown that the accused was arrested on suspicion and this fact finds mentioned in the recovery memo of country made liquor.

Learned State counsel, on instructions from ASI Mandeep Singh, however, opposed the bail on the ground that the petitioner has the antecedent behaviour of criminal activity as he is involved in number of cases.

Learned counsel for the petitioner placed reliance upon **Criminal Appeal No. 153 of 2020** titled **Prabhakar Tewari vs. State of UP and another** decided on 24.01.2020 to contend that the pendency of cases is no ground to decline the prayer for anticipatory bail. In none of the alleged criminal cases, petitioner is in custody nor is proclaimed offender.

In view of the aforesaid facts and circumstances, I deem it appropriate to grant the concession of anticipatory bail to the petitioner.

Accordingly, this petition is allowed. Petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 09.08.2021 and in the event of his arrest, he shall be released on bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;
- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any

person acquainted with the facts of the case so as to
dissuade him/her from disclosing such facts to the
Court or to any police officer;

iii) that the petitioner shall not leave the country, without
prior permission of the Court and shall surrender his
passport, if any.

(RAJ MOHAN SINGH)
JUDGE

August 04, 2021

amandeep

Whether speaking/reasoned Yes/No

Whether reportable Yes/No