

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****206****CRM-M-30441-2020****Date of Decision: 19.01.2021**

Ashish Sambyal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Gaurav Sharma, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Sukhdev Raj.*(proceedings conducted through video conferencing)***GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.39 dated 21.04.2020 at Police Station Narot Jaimal Singh, District Pathankot, under Section 61-1-14 of the Excise Act and Section 188 IPC.
2. The allegations in nutshell are that on 21.04.2020, the police received secret information to the effect that Jaswant Singh and Anil Thakur, who are liquor contractors, indulged in sale of liquor in an illegal manner. The information was further to the effect that on the said day, Mukesh Kumar, Surinder Kumar @ Sunder, Vishal Kumar @ Mintu, Ashish Sambyal @ Ansu – (petitioner) were coming on two motorcycles and were bringing liquor from the said godown. It is further the case of the prosecution that pursuant to

secret information barricading was held and two motorcycles were seen coming, which were signaled to stop, but the occupants of the motorcycles fled away from the spot while leaving the motorcycles at the spot. It is further alleged that upon search of the plastic bags carried on the said motorcycles, 180 bottles of 'Punjab Club King XXX Rum' were recovered.

3. Learned counsel for the petitioner has submitted that he was never arrested at the spot and has been falsely nominated as an accused.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR, no case for grant of bail is made out. He has, however, informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation. It has further been informed that the petitioner is not involved in any other case.
5. Having regard to the aforesaid position, wherein the petitioner was never arrested at the spot and has since joined investigation and is not a previous convict, the petition is accepted and the interim directions issued by this Court vide order dated 30.09.2020 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

19.01.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**