

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-37553-2020 (O&M)

Date of Decision:- 6.4.2021

Surinder Mohan @ Neetu Saxena

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Parminder Singh Sekhon, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Balkar Singh.

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.251, dated 26.9.2020, Police Station City Sunam, District Sangrur, under Section 61 of the Punjab Excise Act.
2. The FIR was lodged on the basis of a secret information received by the police to the effect that petitioner Surinder Mohan and Gurinder Singh indulged in sale of illicit country made liquor after bringing the same from Haryana. It is further the case of prosecution that pursuant to receipt of said information a raid was conducted at the rented premises of co-accused Gurinder, from where 360 bottles of illicit country made liquor were recovered.

3. Learned counsel for the petitioner has submitted that although a secret information is alleged to have been received against the petitioner he was never ever arrested from the spot when recovery was effected from a rented accommodation of the co-accused and as such he cannot be attributed conscious possession of the alleged illicit liquor.
4. Learned State counsel on the other hand has submitted that the petitioner is a habitual offender having been involved in one more identical case and that as such he does not deserve any leniency. It has however, been informed that pursuant to interim directions, the petitioner has since joined investigation and that he is not required for any custodial interrogation.
5. In view of the aforesaid submission wherein the petitioner was not found at the spot when recovery was effected and has already joined investigation, his custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 16.11.2020 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.

06.4.2021

mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No