

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-42617-2021

Date of decision : 13.12.2021

Gurpreet Singh and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Chandan Singh Rana, Advocate
for the petitioners.

Ms.Bhavna Gupta, DAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioners in FIR no.114 dated 20.09.2021 registered under Section 61, 78(2) of the Punjab Excise Act Act, 1914 at Police Station Sadar Raikot, District Ludhiana Rural.

On 08.10.2021, a co-ordinate Bench of this Court was pleased to pass the following order:-

“This is a petition filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 114, dated 20.9.2021 registered under Sections 61, 78 (2) of Punjab Excise Act, 1917 at Police Station Sadar Raikot, District Ludhiana Rural.

Petitioner No. 1 is son of petitioner No. 2.

As per allegations in FIR, on receipt of information, the house of petitioners was raided. A

tractor trolley was found parked in the house. From the tractor trolley, 204 bottles of liquor for sale in Haryana were recovered. However, no-one was arrested from spot.

Learned counsel for petitioner states that no recovery has been effected from petitioners. Petitioners are ready and willing to join investigation and cooperate in same.

Learned State counsel states that no case has been registered against petitioner No. 1. However, against petitioner No. 2, a case under Section 379 B IPC has been registered in the year 2017.

Notice of motion.

On asking of Court, Mr. Luvinder Sofat, AAG Punjab accepts notice on behalf of State.

Adjourned to 13.12.2021.

In the meanwhile, in the event of arrest of petitioners, they shall be released on interim anticipatory bail to the satisfaction of Arresting Officer/Investigating Officer. They will join investigation as and when called for and cooperate in same. They will abide by conditions of Section 438 (2) Cr.P.C.”

Learned counsel for the petitioners submits that in pursuance of the said order, the petitioners have joined investigation.

Learned State counsel, on instructions from ASI Gurnam Singh, has submitted that the petitioners have joined investigation and are not required for further investigation. It is further submitted that although in the order dated 08.10.2021, it has been mentioned that against petitioner no.2, there is one case under Section 379 B IPC but in fact there are two cases against petitioner no.2, one is under the Mines Act and another is under the Excise Act.

circumstances moreso, the facts which have been noticed in the order dated 08.10.2021 and the fact that the petitioners have joined investigation and are not required for further investigation, the present petition for anticipatory bail is allowed and the order dated 08.10.2021 is made absolute.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

December 13, 2021
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No