

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

Criminal Misc.-M No.47940 of 2021

Date of Decision: December 10, 2021

Sukhwinder Singh alias Toti

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.R.S.Sekhon, Advocate for
Mr.Rajesh Bhatheja, Advocate,
for the petitioner.

Mr.Ramandeep Sandhu, Sr.DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.184 dated 20.10.2021, under Sections 61 and 78(2) Punjab Excise Act, 1914, registered at Police Station, City Moga, District Moga. The petitioner apprehends his arrest at the hands of police.

As per the FIR, on 20.10.2021, acting upon the secret information received by the police, accused Lovepreet Singh alias Lava and Minta Singh alias Mintu were apprehended and 65 boxes of country made liquor marka-999 Power Star Whisky and 35 boxes of country made liquor marka 111 ACE were recovered from Scorpio vehicle bearing No.HR-56-A-2424 being driven by Lovepreet Singh @ Lawa, whereas accused Minta Singh @ Mintu was sitting on conductor seat.

Learned counsel for the petitioner has argued that as per prosecution case, the alleged recovery of illicit liquor was made from the

vehicle bearing registration No.HR-56-A-2424 and two accused persons, namely, Minta Singh @ Mintu and Lovepreet Singh @ Lawa were arrested on the spot. According to him, the petitioner was not present at the spot, who has been falsely implicated on the disclosure statement made by the above named co-accused persons. He submits that the case of the prosecution is comparatively based upon weak nature of evidence qua the petitioner and, therefore, his custodial interrogation may not be necessary. He prays for anticipatory bail.

Learned State counsel, who is assisted by ASI Gurdeep Singh, has opposed the prayer, but does not dispute this fact that the recovery of liquor was made from the two accused persons, who were arrested on the spot. According to him, the petitioner is involved in another case of similar nature, but in the said case he is on bail.

Considering the above background, it is ordered that in the event of arrest of the petitioner by the Investigating Officer, he shall be released to bail subject to his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall join the investigation as and when called for by the Investigating Officer and would abide by the conditions as specified under Section 438(2) Cr.P.C.

The above order shall not be construed as an opinion on the merits of the case.

The petition is allowed.

December 10, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No