

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

209

CRM-M-2652-2022

Date of decision: 18.05.2022

RAKESH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Ms. Samridhi Sareen, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab

SURESHWAR THAKUR, J. (ORAL)

1. Through the instant petition FIR, the petitioner craves for his being admitted to anticipatory bail, in respect of the FIR bearing No.168 of 31.12.2021, registered at Police Station Nathana, District Bathinda, wherein, offences constituted under Section 61 of Punjab Excise Act, 1914, become embodied.

2. Though, at the crime site, 56 bottles of liquor became recovered from the possession of the principal offender, and, also, he became arrested at the crime site, but rather for disappearance of the petitioner about 2 hours from the crime site, he did not make his appearance alongwith the principal offender hence, at the crime site. The prosecution yet draws incrimination(s), against the present bail petitioner, on the ground of his accompanying the bail petitioner, upto, two kilometres behind the site crime, thereupon his sharing a *mens rea* alongwith the principal offender.

3. Be that it may, since it is stated, at the bar, by learned State Counsel, on instructions from the concerned, that the bail petitioner has been co-operating with the investigating officer concerned, qua the investigations, which are underway in the petition FIR (supra), and, also, when he further submits, that given the effectuation of the relevant recovery, at the crime site, from the conscious possession, of the principal offender one Ram Singh, therefore, no custodial interrogation of the present bail petitioner is required.

3. Moreover, and, also when, at this stage, when no evidence becomes adduced before this Court by the prosecution, suggestive of the fact, that in the event of the petitioner, becoming admitted to anticipatory bail, there is every likelihood of his fleeing from justice, and, of tampering with the prosecution evidence. In consequence, this Court becomes constrained to admit the present petitioner to anticipatory bail.

7. In nutshell, the instant petition is allowed, and, the order made by this Court on 21.01.2022, is made absolute, subject to his rendering co-operation to the investigating officer concerned, and, his not influencing the prosecution witnesses, and, also his not tampering with the prosecution evidence.

8. The afore observations are meant only for the disposal of the present petition, and, shall not affect the merits of the trial arising from the FIR (supra).

18.05.2022
kavneet singh

(SURESHWAR THAKUR)
JUDGE

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