

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

CRM-M-3946-2022 (O&M)
Date of Decision:- 5.5.2022

Surinder Mohan @ Neetu Saxena Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amit Kumar Walia, Advocate, for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab,
assisted by HC Bhinder Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.6, dated 10.1.2022, Police Station City Sunam, District Sangrur, under Section 61 of the Punjab Excise Act, 1914.
2. At the time of issuance of notice of motion the following order was passed on 1.2.2022:

“The petitioner herein seeks the relief of anticipatory bail in the criminal case arising out of the FIR bearing No.0006 dated 10.01.2022 registered at Police Station City Sunam, District Sangrur, under Section 61 of the Punjab Excise Act, 1914.

Learned counsel for the petitioner, inter-alia, contends that the petitioner had no concern with and was not even

present at the spot at the time of alleged recovery of licit liquor from his co-accused named Lovely Kumar and rather, he has been falsely implicated in this case due to the reason that his wife has been politically active and moreover, he (petitioner) is ready to join in the investigation as and when so required.

Notice of motion.

Ms. Ishneet Kaur, learned Assistant Advocate General, Punjab, who has joined the proceedings in pursuance of the copy of the instant petition having been sent to the respondent-State in advance, accepts the notice. She seeks time to get proper and complete instructions in the present matter from the quarter concerned and if deemed necessary, then to file the status-report also.

Adjourned to 05.05.2022.

Meanwhile, in the event of his arrest, the petitioner shall be released on interim bail subject to his furnishing the requisite personal as well as surety bonds to the satisfaction of the Arresting/Investigating Officer.

However, the petitioner shall join in the investigation as and when required/called upon to do so and shall also strictly abide by all the conditions as laid down in Section 438(2) Cr.P.C.”

3. Learned counsel for the petitioner submits that he was never ever arrested at the spot and that it is co-accused Lovely Kumar who was arrested while in possession of 60 bottles of liquor meant for sale in Haryana. It has been submitted that the petitioner has been falsely implicated and has nothing to do with the recovery allegedly effected from co-accused Lovely Kumar.

4. On the other hand, learned State counsel has opposed the petition on the ground that since there was a specific secret information against the petitioner as well, his complicity is clearly evident. Learned State counsel has however, informed that pursuant to interim directions, the petitioner has joined investigation and is not required for any custodial interrogation. It has however, been informed that there are four other cases against the petitioner and that while three are under the Excise Act, one is under Section 188 IPC.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that the petitioner was never arrested at the spot and no recovery whatsoever was ever effected from him and that pursuant to interim directions, he has since joined investigation and is not required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 1.2.2022 is 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.

5.5.2022

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No