

105

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

CRM-M-10541-2022

Date of decision : 11.03.2022

Rajinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Shweta Sharma, Advocate for
Mr. G.S. Nahel, Advocate for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.18 dated 27.01.2022 registered under Sections 61/1/14 of the Punjab Excise Act, at Police Station City Samana, District Patiala.

Learned counsel for the petitioner has submitted that in the present case, even as per the prosecution case, the petitioner was not apprehended alongwith car from which the recovery has been effected and in fact, no recovery has been effected from the petitioner. It is further submitted that recovery has already been effected and that the petitioner is neither owner of the car nor is driver of the same. It is argued that the petitioner is not involved in any other case and the petitioner has been

implicated only on the basis of secret information. It is further argued that the petitioner is ready to appear, join investigation and cooperate with the same. It is contended that the co-accused of the petitioner namely Sikandar Singh has already been granted the concession of anticipatory bail by this Court vide order dated 25.02.2022 passed in CRM-M-8219-2022 and the case of the present petitioner is on similar footing as that of the said Sikandar Singh.

Notice of motion.

On advance notice, Mr. Sarabjit S. Cheema, AAG, Punjab, appears and accepts notice on behalf of the State and has submitted that he is fully prepared to argue the matter and assist this Court. He has opposed the present petition for grant of anticipatory bail to the petitioner and has submitted that the car involved in an accident was recovered, from which the alleged recovery of illicit liquor had been effected and subsequently, during the course of investigation, it was found, on the basis of secret information, that the present petitioner and one Sikandar Singh were the persons who were travelling in the said car.

This Court has heard the learned counsel for the parties and has perused the paper book.

It is not in dispute that even as per the FIR, the petitioner has not been stated to be present in the car in question or even close to the said car, at the time, when the said car was recovered. It is also not in dispute that no recovery has been effected from the petitioner. The petitioner has also not been stated to be the owner of the car. The recovery has already been effected and the petitioner is stated to be not involved in any other

case. The co-accused of the petitioner namely Sikandar Singh who is similarly placed as the present petitioner has already been granted the concession of anticipatory bail by this Court vide order dated 25.02.2022 passed in CRM-M-8219-2022.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and in the event of arrest, the petitioner is granted the concession of anticipatory bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer and the conditions envisaged under Section 438(2) of Cr.P.C. However, the petitioner shall join the investigation as and when called upon to do so.

It is made clear, in case, the petitioner fails to join the investigation or does not cooperate with the investigation, then the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to the petitioner.

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 application.

11.03.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**