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

CRM-M-11173-2022
Date of decision: 16.03.2022

ASHWANI KUMAR

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Harvinder Pal Singh Ghuman, Advocate for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

1. In FIR No.51 of 03.03.2022, registered at Police Station Patran, Tehsil Patran, District Patiala, offences constituted under Sections 61, 78(2) of Punjab Excise Act, 1914, are embodied.

2. The petitioner is the owner of the truck wherein became illicitly transported liquor bottles numbering about 240. The driver of the truck engaged thereons, by the bail petitioner, is stated, by the learned State counsel to become arrested at the crime site, yet the bail petitioner, who is the owner of the offending vehicle, though was available at the crime site, yet he is stated to flee from the crime site. The factum of his fleeing from the crime site, is suggestive of conduct inconsistent with his innocence.

3. Be that as it may, since the learned State counsel, on instructions meted, to her by ASI Teja Singh submits, that not only the truck whereins became illegally transported illicit liquor has been impounded, but also the investigating officer concerned, has seized through recovery memo drawn at the crime site, the illicitly transported therein liquor bottles numbering about 240.

4. In the wake of the above, and, when all the relevant recoveries become effected, and, also when the vehicle concerned, wherein the afore liquor bottles became illegally transported has been impounded. Therefore, this Court does not deem it fit, and, appropriate to order for the custodial interrogation of the bail petitioner, as, thereupon, his liberty would become interfered with, and, also when the custodial interrogation is ordered only for ensuring the makings of recoveries at the instance of the bail petitioner, to the investigating officer concerned, recoveries whereof stand already effectuated.

5. Consequently, the bail petition allowed, and, the petitioner is admitted to anticipatory bail, and, the investigating officer may not arrest the bail petitioner, however, subject to his furnishing personal, and, surety bonds in the sum of Rs.50,000/- each, to the satisfaction of the arresting officer, and, also subject to his rendering co-operation to him, in the investigations to be carried into offences mentioned in the present FIR. In addition, he shall not tamper with prosecution evidence nor shall influence the prosecution witnesses.

6. Dasti copy.

(SURESHWAR THAKUR)
JUDGE

16.03.2022

Ithlesh

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No