

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

**CRM-M-11152 of 2022(O&M)
Date of Decision: 17.08.2022**

Aman @ Kaka **...Petitioner**

Versus

State of Punjab **...Respondent**

With **CRM-M-12466 of 2022**

Vikash @ Anil Kumar **...Petitioner**

Versus

State of Punjab **...Respondent**

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. J.S. Dhaliwal, Advocate
 For the petitioners.**

Ms. Samina Dhir, DAG Punjab.

KARAMJIT SINGH, J.

Both the above-referred petitions are being disposed of by this common order passed in CRM-M-11152 of 2022 as in both the petitions filed under Section 438 Cr.P.C., the petitioners have sought anticipatory bail in case having FIR No. 168 dated 17.08.2021, registered under Section 61 of Punjab Excise Act, 1914 at Police Station City-1, Abohar, District Fazilka.

The counsel for the petitioner submits that as per the prosecution version the police raided the disclosed spot and apprehended co-accused Suraj along with 300 bottles of liquor from there, while petitioners Aman @ Kaka and Vikas @ Anil Kumar escaped from the spot. The counsel for the petitioners submits that the story put forth by the prosecution regarding escape of the petitioners from the spot of recovery, seems to be

improbable. The counsel for the petitioners further submits that the petitioners have joined the investigation with the police on the basis of the orders of interim bail dated 16.03.2022 and 25.03.2022 respectively passed by this Court.

The State counsel on instructions from ASI Gurnam Singh has not disputed the fact that petitioners have joined the investigation with the police and that recovery in this case was affected from the spot and that the petitioners are not required by the police for any further investigation.

Admittedly, the recovery has already been effected by the police in this case. So, no purpose is going to be served even if the petitioners are sent to custody at this stage.

In view of the above, instant petitions are allowed. Orders dated 16.03.2022 and 25.03.2022 granting ad interim bail to the petitioners respectively are made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

17.08.2022
Jiten

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No