

102

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

CRM-M-11871-2022
Date of decision: 22.03.2022

SACHIN 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. Bhavna Gupta, DAG, Punjab.

(Through Video Conferencing)

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 incriminatory role as is assigned to the bail applicant, becomes anvil, upon a disclosure statement, being made by principal accused, one Gulshan Kumar, the driver of the offending car concerned, wherein, became illegally transported illicit bottles numbering about 240, inasmuch as therein, an attribution occurs of his alongwith Gulshan Kumar, being present at the relevant crime site, and, though Gulshan Kumar became nabbed yet the bail applicant fleeing from the crime site.

3. Be that as it may since it is fairly stated, at the bar, by the learned State counsel, that not only the car wherein became illegally transported illicit bottles 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 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

22.03.2022

Ithlesh

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No