

S.No.206

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

CRM-M-11926 of 2022 (O&M)

Date of Decision:02.05.2022

Sahil Mahajan

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Rohan Garg, Advocate for Mr. P.S. Ahluwalia,
Advocate for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (Oral)

This is first petition filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.0027 dated 18.02.2022 registered under Section 61 of the Punjab Excise Act, 1914 at Police Station Division No.2, District Pathankot.

On 22.03.2022, this Court was pleased to pass the following order:-

“The instant petition has been filed under Section 438 Cr.P.C. seeking grant of anticipatory bail in case FIR No.0027 dated 18.02.2022, registered under Section 61 of the Punjab Excise Act, 1914 at Police Station Division No.2, District Pathankot.

It is contended that the petitioner has been falsely implicated in the present case as he was not named in the FIR. The alleged recovery of 60 bottles of Mcdowell and 12 bottles of Imperial Blue was effected from a maroon coloured Santro Car bearing registration No.WB 06 6506, which is owned by the co-accused of the petitioner namely Ramji Sharma. Moreover, the petitioner was neither apprehended at

the spot nor anything has been recovered from his possession.

Notice of motion for 02.05.2022.

Mr. V.G.Jauhar, Senior Deputy Advocate General, Punjab accepts notice on behalf of the respondent-State. Copy of the paper book be supplied to learned State counsel during the course of the day either by hand or through e-mail.

In the meanwhile, petitioner is directed to join the investigation. In the event of arrest, petitioner shall be released on pre-arrest bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions, as envisaged under section 438 (2) Cr.P.C:-

- (i) that the petitioner shall make himself available for interrogation by a police officer as and when required;*
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- (iii) that the petitioner shall not leave India without the previous permission of the Court.*

*Sd/-
(SANT PARKASH)
JUDGE*

*22.03.2022
Maninder ”*

Learned counsel for the petitioner and the State Counsel, on

instructions from SI Baldev Singh, submit that the petitioner has joined the investigation and is not required for further investigation.

Keeping in view the facts as noticed in the order dated 22.03.2022 and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition is allowed and the interim order dated 22.03.2022 is made absolute.

However, nothing stated above shall be construed as a final 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.

May 02, 2022

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Whether Speaking/reasoned

Whether Reportable

(VIKAS BAHL)

JUDGE

Yes/No

Yes/No