

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CRM-M-12810-2022
Decided on : 28.04.2022

Rohit

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. B. S. Bhalla, Advocate
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 50 dated 26.02.2022 under Sections 61/1/14 of the Punjab Excise Act, 1914 (Section 420 IPC added later on) registered at Police Station Cantonment, District Amritsar.

On 28.03.2022, this Court was pleased to pass the following order:

“Learned counsel for the petitioner inter alia contends that in the present case, no recovery has been effected from the petitioner and the alleged recovery is from Heera Singh and the petitioner is sought to be implicated solely on the basis of disclosure statement of said Heera Singh. It is further submitted that even version given in the FIR is doubtful inasmuch as it is physically not possible for a person to carry 24 liquor bottles on the shoulder in the bag.

Notice of motion.

On asking of the Court, Mr. Harpreet S. Multani, AAG, Punjab accepts notice on behalf of State of Punjab and seeks time to get instructions.

Adjourned to 28.04.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

Learned State Counsel is directed to see as if there is any material against the petitioner other than the disclosure statement including call details etc. He is also directed to find out as to approximately how much of excise duty has been evaded in the said process. ”

Learned counsel for the petitioner has submitted that in pursuance of the above order, the petitioner has joined the investigation and is not involved in any other case.

Learned State counsel, on instructions from ASI Jasbir Singh, has submitted that the petitioner has joined the investigation on 24.04.2022 and is not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 28.03.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 28.03.2022 is ordered to be made absolute.

However, 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.

(VIKAS BAHL)
JUDGE

28.04.2022
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No