

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-20052-2022 (O&M)
Date of Decision:-27.10.2022

Karnail Dass ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vishal Goel, Advocate for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by ASI Kuldeep Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.245, dated 6.10.2021, Police Station Sadar, District Patiala under Sections 61-1-14, 78(2) of the Punjab Excise Act, 1914.
2. At the time of issuance of notice of motion, the following order was passed on 11.5.2022:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.245 dated 6.10.2021, Police Station Sadar, District Patiala, under Section 61-1-14, 78(2) of the Punjab Excise Act, 1914.

The FIR was lodged on the basis of secret information received by the police against co-accused Sukhwinder Singh @ Sukha to the effect that he indulged in smuggling of liquor from Haryana so as

sell the same in Punjab at higher rates. It is the case of prosecution that pursuant to receipt of said information, the police intercepted Innova vehicle bearing registration No.PB-29-AD-9124. However, the driver of the said vehicle managed to escape. A search of the said vehicle led to recovery of 1224 bottles of liquor meant for sale in Haryana. It is further the case of prosecution that when Sukhwinder Singh @ Sukha came to be arrested, he disclosed that he had procured the said liquor from Karnail Dass, who is a wine contractor.

Learned counsel for the petitioner submitted that the petitioner was never ever arrested or found at the spot and has been falsely implicated solely on account of the fact that he happens to be a wine contractor. Learned counsel has further submitted that the modus operandi of the police is that the petitioner has been involved repeatedly in as many as 10 cases on the basis of disclosure statements. Learned counsel has drawn the attention of this Court to the said FIRs, the particulars of which have been mentioned in para No.3 of the petition.

Notice of motion for 27.10.2022.

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

3. Learned State counsel, upon instructions from ASI Kuldeep Singh, has informed that pursuant to interim directions, the petitioner has since joined investigation and he is not required for any custodial interrogation.
4. Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation and is not required for any custodial interrogation,

the petition is accepted and the interim directions issued by this Court vide order dated 11.5.2022 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

27.10.2022

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No