

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

**CRM-M-20855-2022
Date of decision: 16.05.2022**

Ajaib Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Abhinav Jain, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 09 dated 20.01.2022, registered under Section 61 of the Excise Act, 1914 at Police Station Gardhiwal, District Hoshiarpur.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of ASI Anil Kumar, it is stated that while on a patrol duty, one Bolero vehicle bearing registration number PB-07-AS-8981 was seen standing with punctured tyres and there was no one nearby the vehicle. From the search of the said vehicle, 90 boxes of Royal Style whisky and 31 boxes of King Gold Special whiskey, meant for the sale in U.T., Chandigarh, were found. Later on, the statement of the owner of said vehicle, namely Nimral Kaur and her husband Sarabjit Singh was recorded and they stated that previously, they were the owner of the said vehicle, which they have sold to one Ashok Kumar and petitioner Ajaib

Singh used to drive the same.

Learned counsel for the petitioner further submits that the petitioner was not named in the FIR and there is no evidence that he was the driver of the said vehicle as he is not its registered owner.

Learned State counsel could not dispute the factual position but opposed the bail.

After hearing learned counsel for the parties, without making any comment on the merits of the case, considering the fact that the petitioner was not named in the FIR and after the arrest of the co-accused, no recovery was effected and also in view of the fact that except for the disclosure that the petitioner was the driver of the said vehicle, which is a matter of evidence, there is no other evidence against the petitioner, the present petition is allowed and the petitioner is granted the concession of anticipatory bail, subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon the petitioner to join investigation, if so required, by issuing him a written notice in this regard.

16.05.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No