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

CRM-M-22221-2022

Date of decision : 23.05.2022

Sanjeev Sarpal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Shivender Pal Singh, Advocate for
Mr. B.S. Bhalla, Advocate for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

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

Learned counsel for the petitioner has submitted that in the present case, the petitioner has not been named in the FIR and no recovery has been effected from the petitioner and the alleged recovery has been effected from co-accused Heera Singh and the petitioner is sought to be implicated only on the basis of disclosure statement of said Heera Singh. It is further submitted that even the version given in the FIR is doubtful inasmuch as it is not physically possible for a person to carry 24 liquor bottles on his shoulders in a plastic bag. It is contended that no

independent witness was joined at the time when the alleged recovery was effected. It is further contended that co-accused of the petitioner namely Rohit has already been granted the concession of anticipatory bail by this Court vide order dated 28.04.2022 passed in CRM-M-12810-2022.

Notice of motion.

On advance notice, Mr. Sarabjit S. Cheema, AAG, Punjab, appears and accepts notice on behalf of the State and has submitted that he is fully prepared to argue the matter and assist this Court. He has opposed the present petition for grant of anticipatory bail to the petitioner and has submitted that in the present case, the recovery of large number of liquor bottles had been effected from the co-accused Heera Singh who, in his disclosure statement, had submitted that the abovesaid liquor bottles belong to the petitioner. It is further contended that in the present case, there is non-payment of excise duty which has caused loss to the State Exchequer.

Learned counsel for the petitioner has very fairly submitted that the petitioner is ready to deposit an amount of Rs.30,000/- with the Excise Department of Punjab Government without admitting his liability and without admitting his involvement in the present case.

This Court has heard the learned counsel for the parties and has perused the paper book.

The recovery, in the present case, has not been effected from the petitioner and the same has been effected from the co-accused of the

petitioner namely Heera Singh and the petitioner is sought to be implicated only on the basis of disclosure statement of said Heera Singh. The co-accused of the petitioner namely Rohit has already been granted the concession of anticipatory bail by this Court vide order dated 28.04.2022 passed in CRM-M-12810-2022. The case of the petitioner is on the same footing as that of the said Rohit and in order to meet the objection raised by learned State Counsel with respect to non-payment of excise duty, learned counsel for the petitioner has very fairly submitted that the petitioner is ready to deposit an amount of Rs.30,000/- with the Excise Department of Punjab Government, although, without admitting his liability.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and in the event of arrest, the petitioner is granted the concession of anticipatory bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer and the conditions envisaged under Section 438(2) of Cr.P.C. However, the petitioner shall join the investigation as and when called upon to do so. The same would also be subject to the petitioner depositing Rs.30,000/- with the Excise Department of Punjab Government within a period of one month from today.

It is made clear, in case, the petitioner fails to join the investigation or does not cooperate with the investigation, then the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to the petitioner.

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.

It is made clear, that in case, the petitioner does not deposit the said amount of Rs.30,000/- with the Excise Department of Punjab Government within a period of one month from today, then the present petition would be deemed to have been dismissed.

23.05.2022

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**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No