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

CRM-M-22927-2022

Date of decision : 25.05.2022

Ram Ji Sharma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Lalit Sharma, 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.27 dated 18.02.2022 registered under Section 61 of the Punjab Excise Act, 1914 at Police Station Division No.2, District Pathankot.

Learned counsel for the petitioner has submitted that in the present case, even as per the allegations levelled in the FIR, the recovery has not been effected from the petitioner and the petitioner is not named in the FIR. It is further submitted that the recovery, in any case, has been effected and the same is not of illicit liquor. It is contended that in fact, the co-accused Sahil, being a friend of the petitioner, had taken his car and it was not the petitioner who was driving the car at the relevant time. It is

further contended that the co-accused of the petitioner namely Sahil Mahajan has already been granted the concession of anticipatory bail by this Court vide order dated 02.05.2022 passed in CRM-M-11926-2022. It is argued that the petitioner is not involved in any other case. It is further argued that without admitting his liability, the petitioner is ready to deposit an amount of Rs.30,000/- with the Excise Department of Punjab Government.

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 the car in question belong to the present petitioner.

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

A perusal of the FIR would show that neither the petitioner is named in the FIR nor the alleged recovery has been effected from the petitioner. Moreover, the recovery, in the present case, has already been effected. The petitioner is stated to be not involved in any other case and the co-accused of the petitioner namely Sahil Mahajan has already been granted the concession of anticipatory bail by this Court vide order dated 02.05.2022 passed in CRM-M-11926-2022. The petitioner is also ready to deposit an amount of Rs.30,000/- with the Excise Department of Punjab Government.

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 an amount of Rs.30,000/- within a period of three weeks from today with the Excise Department of Punjab Government. The said deposit would not be deemed to be an admission of guilt or liability in the present case.

In case, the said amount of Rs.30,000/- is not deposited within a period of three weeks from today with the Excise Department of Punjab Government, then the present petition would be deemed to have been dismissed.

It is made clear that 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.

25.05.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**