

**In the High Court of Punjab and Haryana at Chandigarh**

**CRM-M No. 32983 of 2022**

**Date of Decision: 29.7.2022**

Darshan Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR**

Present: Mr. Fariad Singh Virk, Advocate for the petitioner.

Mr. M.S.Nagra, AAG, Punjab.

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**SURESHWAR THAKUR, J. (ORAL)**

1. Through the instant petition, cast under Section 438 Cr.P.C., the petitioner craves for indulgence of his becoming admitted to anticipatory bail, in respect of FIR bearing No. 79 of 17.5.2022, registered at Police Station Pasyana, District Patiala, constituting therein offences under Sections 61, 78(2) of the Punjab Excise Act, 1914.

2. At the crime site, the principal accused arrived, while atop the motor cycle bearing No. PB-11CU-4345, and, though, there they were signaled to stop by the police, but they fled from the crime site. However, the plastic bag, carrying therein 48 bottles of country made liquor, had fallen on the ground, and it became recovered by the police, at the crime site.

3. The learned State counsel, on instructions given to him by ASI Gavinder Singh, submits, that the police has impounded the above crime motorcycle, and, has also seized 48 bottles of country made liquor.

4. However, the incriminatory role, as assigned to the present petitioner, is that he is the owner of the crime motorcycle, and, apart therefrom, the investigations, do not reveal, that he was the owner of 48 bottles of country made liquor, as became seized at the crime site, by the investigating officer

concerned. Therefore, the petitioner, at this stage, prima facie, does not share

any inculpable mens rea with the principal accused in theirs carrying on the crime motorcycle, 48 bottles of country made liquor. In consequence, the role of the present petitioner is of a lesser gravity, than the role, as attributed to the principal offender.

5. Therefore, this Court does not deem it fit, and, appropriate to order for the custodial interrogation of the petitioner, as it would unnecessarily fetter, and, curtail his personal liberty. Moreso, when, at this stage, no evidence has been adduced by the prosecution, suggestive of the fact, that in the event of the bail petitioner being admitted to anticipatory bail, there is every likelihood of his fleeing from justice, and/or, tampering with prosecution evidence.

6. In consequence, the instant petition is allowed. The bail applicant-petitioner is admitted to anticipatory bail, and, in the event of his arrest, he may not be arrested by the investigating officer concerned. However, subject to the bail applicant-petitioner furnishing personal, and, surety bonds in the sum of Rs. 50,000/- each, to the satisfaction of the arresting officer. Furthermore, the bail applicant-petitioner shall also give an undertaking before the arresting officer, that as and when he is summoned through a written Hukamnama, he shall ensure his rendering his cooperation to the investigating officer. Moreover, he shall also give an undertaking that he shall not influence the prosecution witnesses, nor shall tamper with the prosecution evidence.

7. The afore observations are meant only for the disposal of the present petition, and, shall not affect the merits of the trial arising from the FIR (supra).

(SURESHWAR THAKUR)  
JUDGE

July 29, 2022  
Gurpreet

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No