

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

**CRM-M-48638-2021
Date of decision: 22.03.2022**

Sanjeev Kumar alias Sanju

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. S. S. Rana, 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. 0212 dated 02.11.2021, registered under Sections 420 IPC and Sections 61, 67 of the Punjab Excise Act, 1914 at Police Station Basti Bawa Khel, District Police Commissionerate Jalandhar.

The operative part of the order dated 22.11.2021, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned counsel for the petitioner submits that other than the fact that the petitioner was not present at the spot, the premises from which the liquor is alleged to have been recovered does not belong to the petitioner, nor is he a tenant thereupon; and yet further, there is a violation of Section 46 of the Punjab Excise Act, 1914, to the extent that the person conducting the raid, i.e. ASI Tarlochan Singh, was not competent to do so, he not being a revenue officer in terms of the said provision, with only persons of the rank of Inspector having been notified as such (as contended).

Without making any comment on the merits of the

case, notice of motion is issued to the respondent-State, with Mr. Manreet Singh Nagra, learned AAG, Punjab, accepting notice at the asking of the court.

He seeks time to file a reply.

Adjourned to 06.01.2022.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 22.11.2021, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State, on the basis of the affidavit of DCP (Inv.), District Jalandhar and on instructions from HC Sukhwinder Pal, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 22.11.2021, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

22.03.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No