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

CRM-M-46907-2022

Date of decision : 21.11.2022

Ram Singh @ Rama

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Pooja Arora, Advocate for
Mr. Sumeet Puri, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.11 dated 19.01.2022 registered under Sections 61/78/1/14 of the Punjab Excise Act, (Section 207 of Motor Vehicles Act has been added later on) at Police Station Sadar Sangrur, District Sangrur.

On 12.10.2022, this Court had passed the following order:-

“Inter alia contends that the petitioner has not been named in the FIR nor the secret information was against the petitioner nor the police official is stated to have identified the petitioner and the petitioner has been named by the co-accused Gagandeep Singh. It is further submitted that in the present case, the liquor which has been recovered, is not spurious liquor and the recovery has already been effected and the petitioner is not involved in any other case. It is stated that in order to show his bonafide and without admitting his liability, the petitioner is ready to deposit an amount of Rs.15,000/- with the Excise Department, Punjab, within a period of two weeks from today.

Notice of motion for 31.10.2022.

In the meantime, in the event of arrest, the petitioner is ordered to be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting / Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

The petitioner is directed to deposit an amount of Rs.15,000/- with the Excise Department, Punjab, within a period of two weeks from today and to produce the receipt regarding the same, on the next date of hearing.

It is made clear that in case the said amount is not deposited within the aforesaid period, then the interim order granted is liable to be vacated.

The deposit of said amount of Rs.15,000/- with the Excise Department, Punjab, would be not construed as an admission of guilt by the petitioner.”

Thereafter, on 31.10.2022, the following order was passed:-

“This Court has been informed that although the petitioner had gone to deposit Rs.15,000/- with the Excise Department, Punjab but the same had been refused by the Excise Department, Punjab as there is no specific account with the Excise Department, Punjab for deposit of the said amount.

Accordingly, the petitioner is directed to deposit the said amount of Rs.15,000/- in the High Court Lawyers' Welfare Fund within a period of 2 weeks.

Adjourned to 21.11.2022.

Interim order to continue till the next date of hearing.

It is made clear that if the said amount is not deposited within the stipulated period of time, then the interim order is liable to be vacated.”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid orders, the petitioner has joined the investigation. It is further

submitted that the petitioner has deposited an amount of Rs.15,000/- with the High Court Lawyers' Welfare Fund and has filed a copy of receipt dated 14.11.2022 today in the Court which is taken on record and the same is marked as Mark 'A'.

Learned counsel for the State, on instructions from ASI Pushpinder Singh, has submitted that the petitioner has joined the investigation and is not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 12.10.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation and also the fact that the petitioner has deposited an amount of Rs.15,000/- with the High Court Lawyers' Welfare Fund, the present petition is allowed and the interim order dated 12.10.2022 is ordered to be made absolute.

However, 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.

21.11.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No