

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

105

**CRM-M-551-2023
Date of Decision : 09.01.2023**

Paviter Singh @ Gullo

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present : Mr. G.S. Nahel, Advocate for the petitioner.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of anticipatory bail in case FIR No.141 dated 07.12.2022 registered under Section 61 of the Punjab Excise Act, 2014 at Police Station Sadar Sangrur, District Sangrur.

As per prosecution version, on 07.12.2022, ASI Kamaljit Singh along with other police officials doing patrolling duty. At about 08:40 a.m. he received a secret information that Paviter Singh @ Gullo (the petitioner), who is habitual of bringing country made liquor from Haryana and Chandigarh and selling the same in this area, has brought large quantity of liquor from Haryana and Chandigarh which is lying in his house. On the basis of said information formal FIR was registered against the petitioner and raid was conducted at his house. On seeing the police party, the petitioner ran away from his house and on search 10 boxes (containing 12 bottles each) country made liquor Sofian Jugni Haryana, 01 box (continuing 12 bottles) make 999 FINE Whisky Chandigarh and 100 litre lahan were recovered from his house.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case on the basis of secret information. The petitioner was not apprehended on the spot. The petitioner has no concern with the alleged recovery and there is no evidence to connect the petitioner with the alleged recovery. Nothing is to be recovered from the petitioner and his custodial interrogation is not required in the case. The petitioner is already ready and willing to join the investigation.

Notice of motion.

On the asking of the Court, Mr. Joginder Pal Ratra, Senior D.A.G., Punjab, who is present in the Court, accepts notice and vehemently opposed the grant of anticipatory bail to the petitioner. Learned counsel for the petitioner submits that the petitioner is also involved in 13 other cases.

In response to involvement of petitioner in other cases, learned counsel for the petitioner submits that out of the 13 cases, in 11 cases the petitioner has been acquitted, 01 is still pending and in 01 case he has been convicted.

I have heard learned counsel for the parties and gone through the paper-book.

Keeping in view the facts and circumstances of the case, the fact that the petitioner was not apprehended on the spot but without commenting upon the merits of the case, the present petition for anticipatory bail is allowed and in the event of arrest, the petitioner shall be released on bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. 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) of the Cr.P.C.

It is made clear, in case the petitioner fails to join the investigation, then the State could be at liberty to move an application for cancellation of the present anticipatory bail granted to the petitioner.

09.01.2023

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(ASHOK KUMAR VERMA)
JUDGE

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