

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

CRM-M-51718-2022

Date of decision: 27.03.2023

Gurjant Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Mukesh Yadav, Advocate for
Mr. Deepak Goyal, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.144 dated 23.09.2022 under Sections 61/1/14 of the Punjab Excise Act, 1914 registered at Police Station City-1 Sangrur, District Sangrur.

Vide order dated 11.11.2022, the petitioner had been granted interim anticipatory bail with direction to join investigation and the relevant part of the said order reads as under:-

“Apprehending his arrest in FIR No.144 dated 23.09.2022 registered under Sections 61/1/14 of The Punjab Excise Act at Police Station City-1 Sangrur, District Sangrur, petitioner seeks pre-arrest bail.

As per the allegations in the FIR it has been alleged that :-

“I constable along with constable Gurjant Singh 2189/Sang:, PHG Gurbaksh Singh 26917 and PHG Rajpal Singh 26784 along with laptop and printer were present at Barnala crossing Sangrur on private vehicle, in connection with patrolling and checking of suspicious persons. Then time was about 06:25 PM, that one secrete informer came informed me in isolation that Gurjant Singh

S/o Mukhtiar Singh R/o Sunder Basti Sangrur District Sangrur, who is habitual of selling the liquor on higher rates after bringing from outside on cheaper rates, who, today also is selling the country made liquor from his residential house at Sunder Basti Sangrur to moving customers. If raid is conducted now at the residential house of Gurjant Singh at Sunder Basti Sangrur then liquor in heavy quantity can be recovered from Gurjant Singh. Because the information is reliable and confirmed, such act of Gurjant Singh S/o Mukhtiar Singh R/o Sunder Basti Sangrur has committed an offence U/s 61/1/14 of Excise Act.”

On the basis of the FIR the raid was conducted and as per the prosecution on search 60 bottles of country made liquor was recovered, however, it is not denied that the petitioner was not apprehended from the spot and no further recovery is to be effected.”

Learned counsel for the petitioner submits that in compliance of order dated 11.11.2022, the petitioner has joined investigation and cooperated with the investigating agency.

Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions, submits that the petitioner is not required for further investigation much less for his custodial interrogation.

In view of the above, the petition is allowed and interim order dated 11.11.2022, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail.

27.03.2023

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(MANJARI NEHRU KAUL)
JUDGE

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