

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

CRM-M-30043-2018 (O&M)

Date of Decision:-10.10.2018

Makhan Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Himanshu Puri, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Assistant Advocate General, Punjab.

GURVINDER SINGH GILL, J.(Oral)

The petitioner Makhan Singh seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.55 dated 7.6.2018 under Section 61(61-A)/1/14 of Excise Act at Police Station Subhanpur, District Kapurthala.

The FIR was lodged on the basis of secret information to the effect that Phuman Singh and Makhan Singh are bringing liquor from Haryana and that they store liquor in a recently constructed house of Phuman Singh, which is lying vacant, and sell the same to customers and that in case a raid is conducted they can be apprehended.

Pursuant to receipt of aforesaid information, a raid was conducted and 10 boxes of contrymade liquor branded as 'First Choice' for 'sale in Haryana' were recovered from the house of Phuman Singh. However, neither Phuman Singh nor Makhan Singh was arrested at the spot.

Notice of this petition was issued to the State.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that he was not arrested at the spot and nor any recovery was effected from him and that in these circumstances, the petitioner deserves the concession of anticipatory bail.

On the other hand, the learned State counsel has submitted that the secret information, as mentioned in the FIR, stands duly substantiated from recovery of 10 boxes of country made liquor branded as 'First Choice' for 'sale in Haryana' from the house of Phuman Singh and that in these circumstances no case for grant of anticipatory bail to the petitioner is made out. It has, however, been informed that pursuant to directions issued by this Court on 19.7.2018, the petitioner has since joined investigation.

Having regard to the facts and circumstances of the case and bearing in mind the fact that the petitioner was not arrested at the spot and has already joined investigation, in my opinion, no case for custodial interrogation is made out. The present petition, as such, is accepted and the interim directions issued by this Court vide order dated 19.7.2018 are hereby made absolute subject to the condition that the petitioner shall appear before the Investigating Officer as and when directed.

It is, however, made clear that none of the observations made above shall be taken to be an expression on merits of the case.

The present petition stands accepted accordingly.

10.10.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No