

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.211

CRM-M-34392-2018

Date of decision : 12.09.2018

Darshan Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. B.S. Cheema, Advocate, for the petitioner.

Mr. K.S. Sidhu, DAG, Punjab.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks anticipatory bail in case FIR No.105 dated 31.07.2018, registered at Police Station Bhikhi, District Mansa, under Section 61 of the Punjab Excise Act, 1914.

The contents of the FIR reveal that 250 kilograms of lahan were recovered on the basis of secret information, but the petitioner managed to escape.

Learned State counsel, on instructions from ASI-Raj Pal, submits that father of the petitioner is Teja Singh @ Mewa Singh and therefore, there is no dispute about the identity of the petitioner.

Learned counsel for the petitioner submits that the petitioner is not owner of any agricultural land and therefore, there was no question of him using his land to manufacture lahan. Moreover, the recovery has also been effected and thus, custodial interrogation of the petitioner is not necessary. There is no other criminal case pending against him.

The aforementioned factual submission regarding no other criminal case being pending against the petitioner has not been denied by the State counsel.

In view of the above, I deem it appropriate to allow this petition and grant anticipatory bail to the petitioner. The petition is allowed and the petitioner-Darshan Singh, is directed to join investigation at the first instance on 24.09.2018 at 10.00 a.m. Thereafter, he shall continue to join investigation as and when required by the investigating agency. In the event of his arrest, he shall be released on anticipatory bail to the satisfaction of the Investigating Officer/SHO/Arresting Officer concerned subject to his compliance of the conditions enshrined under Section 438(2) Cr.P.C.

(SUDHIR MITTAL)
JUDGE

12.09.2018
Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No