

CRM-M-37820-2018

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

CRM-M-37820-2018

Date of Decision: 20.09.2018

Hansa Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Ms. Kaavya Jariyal, Advocate for
Mr. B.S.Jaswal, Advocate,
for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

INDERJIT SINGH, J. (Oral)

Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.38 dated 03.05.2018, registered at Police Station Khilchian, District Amritsar, under Section 61 of the Punjab Excise Act, 1914.

Notice of motion was issued in this case. Learned State counsel has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as learned State counsel and gone through the record.

CRM-M-37820-2018

From the record, I find that FIR was registered against the present petitioner on the basis of secret information that he was indulging in the distillation and sale of illicit liquor. A raid was conducted at the house of the present petitioner and on the search of same, one working-still, 45 kgs of *lahan* and 11 bottles of illicit liquor were recovered. It is further mentioned in the FIR that on seeing the police party, the present petitioner fled away from the spot.

In pursuance of the interim order dated 31.08.2018 passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. Recovery has already been effected. Therefore, no useful purpose will be served by sending him to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 31.08.2018, granting interim bail to the petitioner, is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

20.09.2018

parveen kumar

**(INDERJIT SINGH)
JUDGE**

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