

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-15914-2019 (O&M)
Date of Decision:-12.7.2019

Gurmail Singh @ Mela

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Janmeet Kaur, Advocate for
Mr. Bikramjeet Singh Jatana, Advocate for the petitioner.

Ms. Amarjit Kaur Khurana, Sr. DAG, Punjab.

GURVINDER SINGH GILL, J.(Oral)

The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.45 dated 28.2.2019 at Police Station Sadar Mansa, District Mansa under Section 61 of Punjab Excise Act, 1914.

The FIR was registered pursuant to receipt of secret information to the effect that the petitioner is indulging in sale of country made liquor, which he brings from the State of Haryana.

Pursuant to receipt of the aforesaid information, a raid was conducted at the house of the petitioner and 36 bottles of country made liquor were recovered.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that there is no

evidence to show that the house, from where the recovery was effected, actually belongs to the petitioner.

Opposing the petition, the learned State counsel has submitted that the petitioner is involved in two other cases under Narcotic Drugs and Psychotropic Substances Act and one more case under Excise Act. It has further been submitted that infact the Nambardar of the village had made a statement to the effect that the house, from where the recovery was effected, belongs to the petitioner and that in these circumstances it is evident that the petitioner has been indulging in sale of country made liquor without obtaining any licence to justify his possession of sale. It has, however, been informed that the petitioner has since joined investigation.

Having considered rival submissions addressed before this Court and while bearing in mind the fact that the petitioner was not arrested at the spot and has since joined investigation, in my opinion, it is a fit case for grant of bail. The present petition, as such, is accepted and the interim directions issued by this Court vide order dated 8.4.2019 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

The present petition stands accepted accordingly.

12.7.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No