

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

CRM-M-32759-2018 (O&M)

Date of Decision:- 21.1.2019

Gurnam Singh and others

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Judgepreet Singh Warring, Advocate, for the petitioners.

Ms. Ruchika Sabherwal, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners seek grant of anticipatory bail in respect of a case registered against them vide FIR No.152, dated 10.8.2017, registered at Police Station Sadar Jalalabad, District Fazilka, under Section 61 of the Punjab Excise Act, 1914.
2. The FIR was registered pursuant to receipt of a secret information to the effect that Lachhman Singh, Gurnam Singh, Chan, Pala and Jogender Singh are habitually into selling illicit liquor after preparing the same. Pursuant to receipt of the aforesaid information a search was conducted in the area of Mahalam alais Chak Balochan and 4500 litres of 'lahan' was recovered along with working still. However, none of the petitioners were apprehended at the spot.

3. Learned counsel for the petitioners has submitted that all the petitioners are aged more than 60 years and have been falsely implicated.
4. On the other hand, learned State counsel while opposing the petition has submitted that in view of the huge quantity of 'lahan' recovered along with the working still, it cannot be said that the petitioners have been falsely implicated. It has however been informed, upon instructions from ASI Birbal Singh, that the petitioners have already joined investigation and that they are not previous convicts.
5. Having regard to the aforestated position and bearing in mind the fact that none of the petitioners was arrested at the spot and they are aged between 60 to 69 years and are not stated to be previous convicts and have already joined investigation, in my opinion, it is a fit case for grant of anticipatory bail. The petition is as such accepted and interim directions issued vide order dated 2.8.2018 are made absolute subject to the condition that the petitioners shall appear and join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

January 21, 2019

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No