

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

**CRM-M-51613-2018
Date of decision:05.02.2019**

Kulwant Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Lalit Kumar, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of anticipatory bail in respect of FIR No.84 dated 22.10.2017 under Section 61-1-14 of Excise Act, Police Station Sherpur, District Sangrur.
2. The case of the prosecution is that upon receipt of secret information to the effect that the petitioner along with one Lakhvir Singh indulged in sale of illicit liquor, a raid was conducted at the residence of the petitioner and 21 boxes of liquor, meant for 'sale in Chandigarh' were recovered. Neither the petitioner nor his co-accused Lakhvir Singh was arrested at the spot.
3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and was not arrested at the

spot and since the co-accused of the petitioner namely Lakhvir Singh has already been granted concession of anticipatory bail, the petitioner also deserves the concession of anticipatory bail on grounds of parity.

4. Learned State counsel upon instructions from ASI Paramjit Singh has submitted that the petitioner has already joined investigation.
5. Having considered rival contentions addressed before this Court and bearing in mind that the petitioner was not arrested at the spot and that identically situated co-accused of the petitioner has already granted concession of bail and also that the petitioner is aged about 76 years, in my opinion, it is a fit case for grant of anticipatory bail. Accordingly the petition is accepted and the interim directions issued vide dated 22.11.2018 by this Court are hereby made absolute subject to the condition that the petitioner would appear before Investigating Officer 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.
6. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

(GURVINDER SINGH GILL)
JUDGE

05.02.2019
Gaurav Sorot

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**