

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

**CRM-M No. 31940 of 2019
Date of Decision:-12.09.2019**

Kaura Singh @ Chamkaur Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Nirmaljeet Singh Sidhu, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

MANOJ BAJAJ J.(Oral)

Petitioner Kaura Singh @ Chamkaur Singh has filed the present petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.61 dated 28.6.2019, under Section 61 of Punjab Excise Act, 1914, registered at Police Station City Rampura, District Bathinda.

As per FIR, a secret information was received by the police that one Kaura Singh s/o Nohar Singh, resident of Mehraj Patti Soul used to distill and sell countrymade liquor at his plot without any permit or licence. The police conducted raid at the disclosed place and recovery of 100 liter lahan was effected from the spot.

Learned counsel for the petitioner contends that the alleged

recovery of the lahan was made from a vacant plot and according to him there is nothing to indicate that the alleged recovered lahan belongs to him. According to him, custodial investigation of the petitioner is not necessary in the facts and circumstances of the case.

On the other hand, learned State counsel, who is assisted by ASI Karam Singh opposed the prayer for grant of relief to the petitioner and states that the recovery of lahan stands effected. However, it is not disputed that the recovery was effected from a vacant plot, which is accessible to everyone.

Considering the above background, the petition is allowed and in the event of arrest, the petitioner is ordered to be released on bail to the satisfaction of the Arresting Officer/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

September 12, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No