

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45590-2019

Date of Decision: 22.11.2019

Wazir Singh @ Satnam Singh and another

.. Petitioners

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Manu Loona, Advocate for the petitioners.

Mr. Ramdeep Partap Singh, DAG, Punjab.

...

Manoj Bajaj, J.

Petitioners have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.72 dated 10.04.2019, under Section 61 of the Punjab Excise Act, 1914, registered at Police Station Sadar Ferozepur, District Ferozepur.

As per the prosecution case, a secret information was received that Wazir Singh @ Satnam Singh, Shama Singh, Harnam Singh @ Nami, Punjab Singh and Sukhchain Singh @ Chaini were indulged in the illegal business of selling and purchasing of illicit liquor and they were present at bank of river Satluj and upon raid heavy quantity of illicit liquor would be recovered. Accordingly, police raided the spot. On seeing the police party, all the accused persons ran away from the spot. On search, about 600 bottles of illicit liquor were recovered.

Learned counsel for the petitioners contends that the alleged recovery of illicit liquor has already been effected and, therefore, custodial interrogation of the petitioners may not be required. He further points out

that the place of recovery was open place i.e. bank of the river Satluj and therefore, there is nothing with the police to connect the petitioners with the alleged illicit liquor as they were not apprehended from the spot.

On the other hand, learned State counsel assisted by ASI Baljit Singh has opposed the prayer, however, he does not dispute this fact that the alleged place of recovery is accessible to everyone.

Considering the above background, the petition is allowed and in the event of arrest, the petitioners are ordered to be released on bail to the satisfaction of the Arresting Officer/Investigating Officer. However, the petitioners 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.

22.11.2019
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No