

S.No.112

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

CRM-M-12713 of 2020 (O&M)

Date of Decision:21.05.2020

Gurmail Singh @ DCPetitioner

Vs.

State of PunjabRespondent

IN VIRTUAL COURT

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Mohit Sadana, Advocate for the petitioner.

Rajbir Sehrawat, J.(Oral)

CRM No.10919 of 2020

This is an application seeking exemption from filing of the Court fees.

For the reasons mentioned in the application, the same is allowed. The petitioner is exempted from filing the Court fee.

CRM-M-12713 of 2020

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.52 dated 08.04.2020 registered under Sections 61, 1, 14 of Punjab Excise Act, 1914 at Police Station Moonak, District Sangrur.

It is contended by counsel for the petitioner that the case against the petitioner is false and concocted. Although the Police received a secret information against the petitioner; to the effect that he had kept concealed 155 bottles of countrymade liquor, yet no recovery was effected either from the petitioner or in his presence. Even the alleged place of

concealing the liquor, as mentioned in the FIR, does not belong to the petitioner. Still further, it is submitted that although there had been two more cases of similar nature against the petitioner, however, that was much earlier. In the recent past, the petitioner had not been involved in any such activities.

Notice of motion.

Ms. Monika Jalota, DAG, Punjab, accepts notice on behalf of the State.

Learned State Counsel, on instructions from ASI Babu Singh, submits that the name of the petitioner was duly mentioned in the FIR. Pursuant to the information, the recovery has also been effected from a Kotha near the premises of Jiwan Kumar. The kotha belongs to the petitioner. However, it is not disputed that ownership of the alleged place of recovery is a moot point, which shall be determined during the trial only. Recovery already stands effected.

In view of the above, the present petition is allowed. In the event of arrest, the petitioner shall be released on bail subject to his furnishing personal bonds/ surety bonds to the satisfaction of the Arresting/ Investigating Officer. However, the petitioner shall 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.

May 21, 2020
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No