

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

CRM-M No.13402 of 2020
Date of decision: 1st June, 2020

Bhinder Singh @ Bhinda

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Ashish Aggarwal, Advocate for the petitioner.

FATEH DEEP SINGH, J. (ORAL)

The matter has been taken up through video-conferencing on account of outbreak of pandemic COVID-19.

Mr. Dhruv Dayal, Sr. Deputy Advocate General, Punjab puts in appearance on behalf of the State on his own.

Petitioner Bhinder Singh @ Bhinda has come up in this first anticipatory bail application under Section 438 Cr.P.C. in case bearing FIR No.48 dated 23.04.2020 under Section 61(1)-1-14 of the Punjab Excise Act, 1914 pertaining to Police Station Shambu, District Patiala.

Present case has been got lodged by ASI Jaswinder Ram on the allegations that while he was patrolling he received secret information that petitioner Bhinder Singh @ Bhinda along with one unknown person was preparing Extra Neutral Alcohol (ENA) with the help of chemical and upon raid at the disclosed place police recovered 2400 liters of spirit and 3400 liters chemical.

Learned counsel for the petitioner Mr. Ashish Aggarwal, Advocate inter alia contends that there is no chemical report to support the contentions of the State nor there is any evidence to show that the place from where the alleged recovery has been made, belongs to the petitioner who has been falsely implicated.

Learned State counsel Mr. Dhruv Dayal, Sr. Deputy Advocate General, Punjab on instructions from SI Gurinder Singh though has not displaced the factual scenario but has vehemently opposed the bail on the grounds of heinousness of the offence and seriousness of allegations.

Going through the submissions of the two sides, evidently as has been conceded at the bar by learned State counsel, there is no chemical analysis report of the alleged articles so recovered and therefore, the very nature of the recovery is still under cloud. More so, learned State counsel is unable to show to this Court as to how the petitioner was in occupation of the premises or the articles so recovered belong to him. In the light of such a shoddy state of investigations, this Court is of the view that petitioner's joining the investigations would suffice and sending him behind bars in the present case would be a travesty of justice. Accordingly, the petitioner is directed to appear before the investigating officer within a period of 15 days from the date of receipt of certified copy of this order and on his doing so he shall be released on bail to the satisfaction of the arresting/investigating officer

till submission of report under Section 173 Cr.P.C. (challan). The petitioner shall continue to join investigation and shall furnish an undertaking that he shall abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, he will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

June 1, 2020
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No