

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

CRM M-13722 of 2020 (O&M)
Date of Decision: June 02, 2020

Jaj SinghPetitioner
Versus
State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Gurpal Singh Sandhu, Advocate
for the petitioner.

Mr. Sandeep Vermani, Addl. AG, Punjab.

FATEH DEEP SINGH, J. (Oral)

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

Mr. Sandeep Vermani, Addl. AG, Punjab, puts in appearance on behalf of the State on his own.

Petitioner Jaj Singh is accused in case bearing FIR No. 84 dated 21.05.2020 under Section 61(1) of the Punjab

Excise Act, 1914, Police Station Sri Muktsar Sahib, District Sri Muktsar Sahib has come up in this first anticipatory bail application under Section 438 Cr.P.C.

The present case has come about on the basis of secret information received by ASI Surjeet Singh to the effect that accused/petitioner Jaj Singh and his brother Nishan Singh, who has since been arrested were habitual of selling of illicit liquor after distilling at their house and if raid is conducted, they could be arrested.

On the basis of this information on 21.05.2020, police raided the premises of the accused from where they apprehended articles of working still alongwith 75 liters of lahan and arrested co-accused, brother of the petitioner.

Mr. Gurpal Singh Sandhu, counsel for the petitioner, *inter alia* contends that the recovery have already been effected and the petitioner has neither been found at the time of the raid nor anything has been recovered specifically from his conscious possession.

Learned State counsel Mr. Sandeep Vermani, Addl. AG, Punjab has strongly opposed the grant of bail but fairly concedes to the facts canvassed by the learned counsel for the petitioner.

Going through the submissions, the recovery has

already been effected from the co-accused and it is not the case of the prosecution that the petitioner too was found present at the spot running the illicit working still. Thus, keeping in view the peculiar circumstances of the case brought to the notice of this Court, this Court deems the present case is a fit case for grant of anticipatory bail as it would be a travesty of justice to send the petitioner in custody in the present case and his joining the investigations would suffice the purpose. 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/investing 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.

June 02, 2020
amit rana

(FATEH DEEP SINGH)
JUDGE

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