

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

**Crl. Misc. No. M-17617 of 2020
Date of decision : 21.07.2020**

Gurmail Singh @ Gela

....Petitioner

versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Lupil Gupta, Advocate
for the petitioners.

Ms. Samina Dhir, DAG, Punjab

RITU BAHRI, J. (Oral)

By this petition, the petitioner seeks the concession of anticipatory bail, upon FIR no.61 dated 6.6.2020 having been registered against him at Police Station Phool, District Bathinda, alleging therein the commission of an offence punishable under Section 61 of the Punjab Excise Act, 1914.

Learned counsel for the petitioner submits that though, in the FIR, it is shown that a still and country made liquor were recovered from the fields of the petitioner, however, as per the certificate issued by the Tehsildar, Rampura Phul (copy Annexure P-2), the petitioner does not own any land or property in either "Phul First" or "Phul Second". He thereafter points to the fact that the FIR has in fact been registered at Police Station Phool, District Bathinda. He next submits that there is no other criminal

case ever registered against the petitioner.

Learned State counsel on instructions submits that the petitioner has joined investigation on 10.07.2020. She has referred to status report dated NIL filed by SSP, Bathinda wherein as per enquiry report the petitioner had taken on lease (theka) four acre land from one Bhola Singh along with a residential house constructed in that land, at the rate of Rs.60,000/- per acre for the year 2020-21. An agreement was also affected between the parties and was signed by the parties in the presence of witnesses. The petitioner is in possession of the said 04 acre of land and is residing in the house built on this land.

Keeping in view the fact that the petitioner was not arrested at the spot and no recovery has been effected from him, order dated 07.07.2020 passed by this Court is made absolute, subject to the condition that the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions as envisaged under Section 438 (2) Cr.P.C

However, the petitioner is at liberty to file fresh bail bonds after presentation of the challan.

Accordingly, the petition stands disposed of.

21.07.2020
G Arora

(RITU BAHRI)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>