

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

CRM-M-22010-2020
Date of decision: 07.08.2020

Lakhwinder Singh @ Lakha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 122 dated 23.07.2020, registered under Sections 61 and 78(2) of the Punjab Excise Act, 1914 at Police Station Sadar Gurdaspur, District Gurdaspur.

Learned counsel for the petitioner submits that as per the allegations in the FIR, a secret information was received that the petitioner, who is indulged in sale of illicit liquor, is coming to Gurdaspur in car bearing registration number PB-65-B-6547 and if a raid is conducted, he can be apprehended with illicit liquor. Thereafter, a Naaka was laid and the said car was stopped, however, the petitioner ran away from the spot and 162 bottles of liquor were recovered from the car.

Learned counsel for the petitioner further submits that the petitioner is not the owner of the said car and it is highly improbable that in the presence of five police officials, the petitioner, who is a middle aged

person, aged about 34 years, ran away from the Naaka.

Learned counsel further submits that the petitioner is not involved in any other case and on an earlier occasion when the anticipatory bail application was pending before the Additional Sessions Judge, the petitioner was granted interim bail on 29.07.2020 and he has joined investigation, however, later on, the Additional Sessions Judge dismissed the application despite the fact that the petitioner has joined investigation on 01.08.2020.

Learned State counsel has not disputed the factual position that the petitioner, at one point of time, has joined investigation, however, the bail application was later on dismissed. It is also not disputed that petitioner is not involved in any other case.

I have heard learned counsel for the parties.

Without commenting anything on the merits of the case, in view of the facts and circumstances of the case, the present petition is allowed.

The petitioner is granted concession of anticipatory bail, subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon the petitioner to join investigation, if so required, after issuing a written notice in this regard.

07.08.2020

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No