

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-25171-2020 (O&M)

Date of decision: 01.09.2020

Sukhdev Singh @ Sukha

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.115 dated 04.08.2020 under Section 61 of Punjab Excise Act, 1914, registered at Police Station Dialpura, District Bathinda.

Learned counsel for the petitioner submits that as per allegations in the FIR, on receiving a secret information that the petitioner is running a unit for preparing lahan (illicit liquor), the police conducted a raid at the house of the petitioner and recovered 1000 liters of lahan. It is further submitted that no such equipment for the purpose of preparation of lahan were recovered from the spot and in fact, the police is now raiding the house of various persons, on account of acute tragedy in the State of Punjab. It is also submitted that the petitioner was not present at the spot and therefore, no recovery was effected in his presence; he is not involved in any other case and has no such antecedents of involvement in any other criminal case.

Notice of motion.

On asking of the Court, Mr. Joginder Pal Ratra, DAG, Punjab accepts notice on behalf of the respondent-State and has not disputed that the petitioner is first offender, however, submits that recovery was effected from his house and Chowkidar of the village was witness to the same.

After hearing learned counsel for the parties, considering the fact that the petitioner is not involved in any other case and though as per secret information, he was distilling the lahan, however, no such evidence was found at the place and only recovery of stored lahan was made, this petition is allowed and the petitioner is granted anticipatory bail subject to the conditions envisaged under Section 438 (2) Cr.P.C.

It will be open for the Investigating Officer to issue a notice in writing to the petitioner to join him in the investigation.

It is made clear that if the petitioner failed to join the investigation, it will be open for the prosecution to apply for cancellation of bail.

[ARVIND SINGH SANGWAN]
JUDGE

01.09.2020
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No