

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

206

CRM-M-24965-2020
Date of decision: 06.10.2020

BALJIT SINGH @ BABLI

....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Tanvir Singh Grewal, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J. (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C') for grant of anticipatory bail in case FIR No. 193 dated 06.08.2020 registered under Section 61 of the Punjab Excise Act, 1914 at Police Station Moti Nagar, District Ludhiana.

As per the prosecution version, on 06.08.2020 police party headed by ASI Rajesh Kumar and team from the excise department received secret information that Baljit Singh @ Babli (the petitioner) illegally brings liquor at cheap rates from other states and sells the same in Ludhiana City at an expensive price without any license. He has kept country made liquor for sale and is waiting for customers and in case a

raid is conducted, then Baljit Singh @ Balbi can be apprehended. FIR was registered. Raid was conducted and recovery of 3 boxes of crazy romio and 7 boxes of first choice containing 12 bottles each were recovered from his house.

Vide order dated 28.08.2020 this Court granted interim anticipatory bail to the petitioner with direction to join the investigation. Relevant part of order dated 28.08.2020 reads as under :-

“.....The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.193 dated 06.08.2020 registered under Sections 61 of the Punjab Excise Act, 1914 at Police Station Moti Nagar, District Ludhiana.

Learned Counsel for the petitioner has submitted that the petitioner was falsely implicated in the case on the basis of secret information received that the petitioner has kept liquor in his house without permit for sale to customers. The petitioner was not arrested on the spot and no recovery was made from him. Recovery was made from his building which is occupied by the labourers as tenants. The petitioner is ready to join the investigation and his custodial interrogation is not required as the recovery has already been made.

Notice of motion.

Pursuant to supply of advance copy of the petition, Mr. Amit Mehta, Sr. DAG, Punjab has appeared and accepted notice on behalf of the respondent-State.

Learned State Counsel seeks time to file reply.

Adjourned to 06.10.2020.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which he shall not be entitled to the protection of interim bail allowed to him.”

The petition has been opposed by learned State Counsel.

However, no written reply has been filed on behalf of the State.

I have heard learned Counsel for the petitioner and learned

State Counsel and have gone through the relevant record.

Learned counsel for the petitioner has reiterated factual submissions made earlier and submitted that the petitioner has joined the investigation.

Learned State counsel has vehemently opposed the petition and submitted that in view of the gravity of accusation, the petitioner does not deserve grant of anticipatory bail and the petition may be dismissed.

However, learned State Counsel on instructions from ASI Dalbir Singh has acknowledged that in compliance with order dated 28.08.2020 passed by this Court, the petitioner has joined the investigation and also submitted that his custodial interrogation is not required for any purpose.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner and also the fact that custodial interrogation of the petitioner is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves grant of anticipatory bail.

Therefore, the petition is allowed and order dated 28.08.2020 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall comply with the conditions enumerated in Section 438 (2) (i) to (iii) of the Cr.P.C. In view of Section 438(2)(iv) read with Section 437(3)(b) of the Cr.P.C. interim anticipatory bail granted to the petitioner shall also be subject to the condition that he shall not commit any similar offence under the Punjab

Excise Act, 1914 after his release on anticipatory bail. In case of non-compliance of the above-said conditions, the petitioner shall not be entitled to the protection of anticipatory bail allowed to him.

06.10.2020

kavneet singh

(ARUN KUMAR TYAGI)
JUDGE

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