

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

**CRM-M-25866 of 2020
Date of Decision 03.09.2020**

Jagjit Singh

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI, JUDGE

Present : Mr. Hitesh Sood, Advocate,
for the petitioner.

Mr. P.S. Walia, Assistant Advocate General, Punjab.

(The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual Court).

ARUN PALLI, J. (Oral):

The petitioner prays for an anticipatory bail under Section 438 of the Code of Criminal Procedure in FIR No.0094 dated 4.8.2020, under Section 61 of the Punjab Excise Act, 1914, registered at Police Station Sadar Moga, District Moga.

As per the prosecution version, upon a secret information that petitioner was engaged in distilling and sale of illicit liquor, and in case his residence was raided, a recovery of liquor and lahan could be caused. Accordingly, a raid was conducted upon which 50 bottles of illicit liquor and six boxes of whisky, make First Choice, were recovered. However, on seeing the police party, the accused succeeded to flee from the spot.

AMIT KUMAR
2020.09.03 19:58
I attest to the accuracy and
authenticity of this document

Ex facie, learned counsel for the petitioner submits that implication of the petitioner is false. For neither the petitioner was apprehended at the spot nor anything was recovered from his person. In fact, he submits that petitioner has been framed by the police, owing to the political pressure and to cover up the embarrassment caused because of the recent tragedy in which lot of people lost their lives, upon consuming illicit liquor. He submits that there does not exist any cogent and corroborative material to connect the petitioner with the alleged occurrence.

Mr. P.S. Walia, learned Assistant Advocate General, Punjab, submits that petitioner was involved in four other cases. However, in two such cases, he has since been acquitted, whereas in another he was convicted, but released on probation, though one case under the Excise Act was pending against the petitioner.

In the given circumstances, the petition is accepted and in the event of arrest, the petitioner shall be released on bail subject to furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when required and shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

(ARUN PALLI)
JUDGE

03.09.2020
AK Sharma

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