

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

**CRM-M No. 27092 of 2020
Date of decision: 10.09.2020.**

John Masih @ Joay Masih

..... Petitioner.

Versus

State of Punjab

..... Respondent.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

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

Mr. Dhruv Dayal, Senior DAG, Punjab, for the respondent.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

The petitioner is seeking anticipatory bail in FIR No. 92 dated 23.08.2020, under Section 61 of the Punjab Excise Act, 1914 ('Excise Act' - for short), registered at Police Station Ghuman Kalan, District Gurdaspur.

Learned counsel for the petitioner contends that it is alleged in the FIR that three plastic drums each containing 70 litres of lahan were recovered from the cremation ground. He also contends that the petitioner has been falsely implicated only because in the year 2015 he was involved in another case under the Excise Act wherein recovery of 10 bottles of illicit liquor was effected. He also contends that there is no *prima facie* material which would connect the petitioner with the alleged commission of offence. The petitioner is a poor person and sole breadwinner of his family. The place of alleged recovery is several kilometres from his house.

Issue notice to the respondent.

At the asking of the Court, Mr. Dhruv Dayal, Senior DAG, Punjab, accepts notice on behalf of the respondent. He contends that in view of the gravity of the offence alleged to have been committed by the petitioner, he is not entitled to the concession of anticipatory bail.

Without expressing any opinion on the merits of the case and in view of the submissions of learned counsel for the petitioner, I deem it a fit case to grant the concession of anticipatory bail to the petitioner.

Therefore, the petitioner is directed to appear before the investigating officer within a period of 15 days from the date of receipt of certified copy of this order and on his doing so, he shall be released on bail to the satisfaction of the arresting/investigating officer till submission of report under Section 173 of the Code of Criminal Procedure, 1973 ('Cr.P.C.' - for short). The petitioner shall continue to join investigation and shall furnish an undertaking that he shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C. Thereafter, he will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed of in the aforementioned terms.

(ANUPINDER SINGH GREWAL)
JUDGE

10.09.2020
Ramesh

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