

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

112

=====

IN VIRTUAL COURT

=====

**CRM-M No. 26877 of 2020
Decided on: 9.9.2020**

Kuldeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. R.S. Sekhon, Advocate, for the petitioner

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No. 82 dated 26.7.2020, registered under Section 61 of Excise Act, 1914, at Police Station Ghall Khurd, District Ferozepur.

It is submitted by the counsel for the petitioner that the case against the petitioner is totally concocted. Nothing was recovered in the presence of the petitioner. Not only this, although the place of alleged recovery happens to be the residential area, despite that no independent witness was joined by the police at the time of recovery. In any case, the recovery already stands effected. There is no other case against the petitioner.

Notice of motion.

Mr. Ramdeep Singh, DAG, Punjab, accepts notice on behalf of the

State.

The counsel for the State, being instructed by ASI Darshan Singh, has submitted that on a specific secret information against the petitioner, the police had conducted the raid at the house of the petitioner, from where 400 liters of *lahan* was recovered. Hence, it is submitted that the recovery has been effected from the house of the petitioner. Therefore, he does not deserve any concession of anticipatory bail. However, it is not disputed that there is no other case against the petitioner and that no independent witness was joined at the time of alleged raid.

In view of the above, the present petition is allowed. It is ordered that the petitioner shall join the investigation as and when so required by the Investigating Agency. However, in case of arrest, the Investigating Officer is directed to release the petitioner on bail on his furnishing bail bonds/surety to his satisfaction. It is further directed that the petitioner shall also observe the other conditions as required under Section 438(2) of Cr.P.C.

(RAJBIR SEHRAWAT)
JUDGE

9.9.2020

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No