

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

**CRM-M No. 27118 of 2020
Date of decision: 10.09.2020.**

Balkar Singh Petitioner.
Versus
State of Punjab Respondent.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Parvesh Sachdeva, 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. 157 dated 20.05.2020, under Section 61 of the Punjab Excise Act, 1914 ('Excise Act' - for short), registered at Police Station Sadar Fazilka, District Fazilka.

Learned counsel for the petitioner contends that it is alleged that recovery of a working still, 50 litres of lahan and twenty bottles each containing 750 mls of illicit liquor was effected from a field and the petitioner had run away from the spot. He also contends that the field does not belong to the petitioner and, in fact, the petitioner is a landless labourer. The prosecution story is highly improbable, as it is not possible that the petitioner would run away from the spot in the presence of police party comprising several officers. The petitioner is not involved in any other case under the Excise Act. He further contends that the petitioner is suffering from typhoid and has been quarantined. He has referred to the copy of the medical report of the petitioner at Annexure P1.

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, especially when the petitioner is unwell, 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