

S.No.109

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

CRM-M-27230 of 2020 (O&M)

Date of Decision:10.09.2020

Labh Singh @ Labha

.....Petitioner

Vs.

State of Punjab

.....Respondent

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IN VIRTUAL COURT
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CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Rishu Mahajan, 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.181 dated 06.08.2020 registered under Sections 61 of Excise Act 1914, at Police Station Chattiwind, Amritsar.

It is contended by learned counsel for the petitioner that the case against the petitioner is totally concocted. Nothing has been recovered from the petitioner or in his presence. Although the Police claims to have effected recovery of 20 bottles of illicit liquor from the house of the petitioner, however, no independent witness has been joined by the Police at the time of recovery; despite the fact that the alleged house of the petitioner is in a residential area. To discredit the case, further, counsel for the petitioner has submitted that earlier also, the Police of the same Police Station; had involved the petitioner in three more cases. However, the

petitioner was acquitted in one of them, discharged in another and has been granted anticipatory bail in the third case. Hence, it is submitted that the Police of the area is out to; somehow or the other, get the petitioner in jail. Still further, it is submitted that nothing is to be recovered from the petitioner. Hence, the petitioner deserves to be granted concession of anticipatory bail.

Notice of motion.

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

Learned State Counsel, on instructions from ASI Gurpreet, submits that on a specific information against the petitioner, the Police had raided the house of the petitioner. During the raid, 20 bottles of illicit liquor have been recovered from the house of the petitioner. Still further, it is submitted that the petitioner is already involved in three more cases. He is habitual offender. Therefore, he does not deserve any concession of bail. However, it is not disputed that recovery was not effected in the presence of the petitioner and that the Police had not joined any independent witness at the time of alleged recovery, and further, that out of the three cases, the petitioner has already been acquitted in one case, discharged in another and has been released on bail in the third case.

In view of the above submissions, but without commenting upon merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail. Therefore, it is directed that in case of his arrest, the petitioner shall be released on bail subject to his furnishing bail bonds/ surety bonds to the satisfaction of Arresting/ Investigating

Officer. However, it is further directed that the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

September 10, 2020
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No