

S.No.104

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

CRM-M-28007 of 2020 (O&M)

Date of Decision:16.09.2020

Tarsem Chand

.....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. Munish Raj Chaudhary, 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.94 dated 04.08.2020 registered under Section 61 of the Punjab Excise Act, 1914 at Police Station Phul, District Bathinda.

It is contended by counsel for the petitioner that the case against the petitioner is totally concocted. Nothing has been recovered either from the petitioner or in his presence. The recovery has been totally concocted by the Police for thrusting a false case upon him. There is no other case against him. The petitioner shall join the investigation.

Notice of motion.

Mr. Hittan Nehra, Addl. AG, Punjab, accepts notice on behalf of the State.

Learned State Counsel, on instructions from ASI Jaswinder Singh, has submitted that on receipt of a secret information to the effect that the petitioner is indulging in distilling liquor for his consumption, the raid

was conducted. During the raid, the Police recovered 25 litres of Lahan from a factory. However, it is not disputed that the alleged premises; from where the recovery is stated to have been effected; does not belong to the petitioner. It is also not disputed that there is no other case against the petitioner.

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 16, 2020
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(RAJBIR SEHRAWAT)
JUDGE

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