

S.No.106

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

CRM-M-28255 of 2020 (O&M)

Date of Decision:17.09.2020

Jeewan Singh @ Jagjiwan Singh

.....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. Jashandeep Singh Sandhu, 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.160 dated 21.08.2020 registered under Section 61 of Punjab Excise Act, 1914 at Police Station Nathana, Distruct Bathinda.

It is contended by counsel for the petitioner that the case against the petitioner is totally concocted. Nothing has been recovered in presence of the petitioner. Although the Police claims to have recovered 20 litres of Lahan, yet no independent witness was joined by the Police. Still further, it is submitted that there is no other case against the petitioner. Hence, the petitioner be protected against his arrest.

Notice of motion.

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

Learned State Counsel, on instructions from HC Tarsem Singh, has submitted that there are specific allegations at the petitioner. Pursuant

to a secret information, the Police had conducted the raid at the specified place. From there, 20 kg. of Lahan has been recovered by the Police. However, it is not disputed that there is no other case against the petitioner and that the recovery has not been effected in the presence of 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 17, 2020
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(RAJBIR SEHRAWAT)
JUDGE

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