

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

CRM-M-28783 of 2020

Date of Decision: 21.09.2020

Dalvir Chand @ Dalvir Singh

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Avtar Singh Khinda, Advocate for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

The matter has been taken up for hearing through video conferencing due to COVID-19 situation.

This is a petition for anticipatory bail in FIR No. 241 dated 16.8.2020, under Section 61 of the Punjab Excise Act, 1914, registered at Police Station Shahkot, District Jalandhar.

As per the allegations in the FIR, a secret information was received that the petitioner is preparing and selling illicit liquor. On the basis of information, a raid was conducted and recovery of 15 bottles of liquor and 30 kilograms of lahan was made, however, the petitioner ran away.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated, there is no independent witness available and no other case is pending against him.

Learned counsel for the State submits that there was a secret

information that the petitioner is a habitual offender and there was recovery

of lahan and 15 bottles of liquor. However, on instructions from ASI-Harbhajan Singh, she is not in a position to dispute the fact that there is no other case pending against the petitioner.

Considering the recovery, no independent witness to the recovery was there and there being no other FIR against him, pre-arrest bail is granted to the petitioner subject to his joining investigation within 2 weeks. He shall be bound by the conditions under Section 438(2) Cr.P.C.

The petition stands disposed of.

However, it is clarified that in case the petitioner fails to join the investigation within 2 weeks, the State would be at liberty to file an application for re-calling of the order.

[AVNEESH JHINGAN]
JUDGE

21st September, 2020

<i>mk</i>	1. Whether speaking/ reasoned	:	Yes
	2. Whether reportable	:	Yes