

In virtual Court

CRM-M-31028-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31028-2020 (O&M)
Date of decision: 05.10.2020

Lakhwinder Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. J.S. Warring, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.173 dated 01.09.2020 under Section 61 of Punjab Excise Act, 1914, registered at Police Station Nathana, District Bathinda.

Learned counsel for the petitioner submits that the petitioner has no previous history of involvement in any case under the Excise Act. It is further submitted that the FIR was registered on the basis of a secret information that the petitioner is indulged in the business of illicit liquor and on receiving such information, a raid was conducted at the place of petitioner. It is further case of the prosecution that the petitioner, on seeing the police party, ran away from the spot and 100 litres of lahan was recovered. It is also submitted that the petitioner is an old man aged 62 years and it is not possible that in presence of

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the Investigating Officer i.e. Excise Inspector Gurtej Singh, Constable Chamkaur Singh 6/300, Constable Sewak Singh 6/632 as well as Chowkidar of the village, the petitioner ran away.

Learned State counsel, on instructions from HC Surinder Pal, could not dispute the aforesaid facts that the petitioner is first offender, however, submits that since the recovery was effected from the premises of the petitioner, he is deemed to be in conscious possession of the same.

After hearing learned counsel for the parties, considering the facts and circumstances of the case, I find that the petitioner, in presence of 5/6 police officials, succeeded in running away from the spot, raises a suspicion about the prosecution version.

In view of the above, this petition is allowed and the petitioner is granted the concession of anticipatory bail subject to the conditions envisaged under Section 438 (2) Cr.P.C.

**[ARVIND SINGH SANGWAN]
JUDGE**

05.10.2020
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No